

**APPEAL**

**U.S. Bankruptcy Court  
Eastern District of Pennsylvania (Philadelphia)  
Adversary Proceeding #: 18-00137-mdc**

*Assigned to:* Chief Judge Magdalene D. Coleman

*Date Filed:* 06/11/18

*Lead BK Case:* 18-13098

*Lead BK Title:* Lyndel Toppin

*Lead BK Chapter:* 13

*Demand:*

*Nature[s] of Suit:* 91 Declaratory judgment

72 Injunctive relief –  
other

***Plaintiff***

**Lyndel Toppin**

146 S. 62nd Street

Philadelphia, PA 19145

SSN / ITIN: xxx-xx-2550

represented by **STEPHEN MATTHEW DUNNE**

Dunne Law Offices, P.C.

1515 Market Street

Suite 1200

Philadelphia, PA 19102

U.S.A.

215-551-7109

Fax : 215-525-9721

Email: [bestcasestephen@gmail.com](mailto:bestcasestephen@gmail.com)

**PREDRAG FILIPOVIC**

I Fight 4 Justice

1735 Market Street

Ste. 3750

Philadelphia, PA 19103

267 265 0520

Email: [pfesq@ifight4justice.com](mailto:pfesq@ifight4justice.com)

*TERMINATED: 06/18/2019*

**MEGAN N. HARPER**

City of Philadelphia – Law/Revenue Dept.

1401 JFK Blvd.

Room 580

Philadelphia, PA 19102

215 686 0503

Email: [megan.harper@phila.gov](mailto:megan.harper@phila.gov)

*TERMINATED: 02/14/2019*

**DAVID M. OFFEN**

The Curtis Center

601 Walnut Street

Suite 160 West

Philadelphia, PA 19106

(215) 625-9600

Email: [dmo160west@gmail.com](mailto:dmo160west@gmail.com)

*TERMINATED: 02/14/2019*

V.

***Defendant*****Jewell Williams**

Sheriff of the City of Philadelphia  
 Land Title Building  
 Fifth Floor  
 100 South Broad Street  
 Philadelphia, PA 19110

represented by **MEGHAN ANNETTE BYRNES**

City of Philadelphia  
 1515 Arch Street  
 Ste 17-151  
 Philadelphia, PA 19102  
 215-683-5011  
 Email: [meghan.byrnes@phila.gov](mailto:meghan.byrnes@phila.gov)

**JOSHUA DOMER**

City of Philadelphia Law Department  
 1401 JFK Blvd  
 5th Floor  
 Philadelphia, PA 19102  
 215 686 0519  
 Email: [joshua.domer@phila.gov](mailto:joshua.domer@phila.gov)

**MEGAN N. HARPER**

(See above for address)

***Defendant*****Abdeldayem Hassan**

309 Barker Avenue  
 Lansdowne, PA 19050  
*aka* Abdeldyem Hassan

represented by **STEPHEN MATTHEW DUNNE**

(See above for address)  
 TERMINATED: 02/14/2019

**DAVID M. OFFEN**

(See above for address)

Filing Date	#	Docket Text
10/24/2018	<u>30</u>	Exhibit A thru K Filed by STEPHEN MATTHEW DUNNE on behalf of Lyndel Toppin (related document(s) <u>29</u> ). (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B1 # <u>3</u> Exhibit B2 # <u>4</u> Exhibit B3 # <u>5</u> Exhibit B4 # <u>6</u> Exhibit C # <u>7</u> Exhibit D # <u>8</u> Exhibit E # <u>9</u> Exhibit F # <u>10</u> Exhibit G # <u>11</u> Exhibit H # <u>12</u> Exhibit I # <u>13</u> Exhibit J # <u>14</u> Exhibit K) (DUNNE, STEPHEN) (Entered: 10/24/2018)
01/03/2019	<u>42</u>	Pre-Trial Order. Pre-Trial Conference scheduled 7/17/2019 at 11:00 AM at nix2 – Courtroom #2. Joint Pre-Trial Statement due by 6/30/2019. Motions Due by 6/30/2019. All motions to amend the pleadings or for summary judgment shall be filed on or before May 3, 2019. Discovery due by 4/3/2019. Joint Statement due by 1/24/2019. (J., Christina) (Entered: 01/03/2019)
02/14/2019	<u>46</u>	Pre-Trial Scheduling Order. Pre-Trial Hearing scheduled 9/18/2019 at 11:00 AM at nix2 – Courtroom #2. Motions Due by 8/29/2019. Discovery due by 6/2/2019. Joint Statement due by 8/29/2019. (D., Virginia) (Entered: 02/14/2019)
07/18/2019	<u>56</u>	Pre-Trial Scheduling Order. Pre-Trial Conference scheduled 3/25/2020 at 11:00 AM at nix2 – Courtroom #2. Joint Pre-Trial Statement due by 2/28/2020. Motions to amend the pleadings or for summary judgment due by 12/26/19. Motions in limine. Due by 2/28/2020. Discovery due by 11/26/2019. (J., Randi) (Entered: 07/18/2019)

12/26/2019		<u>71</u>	Motion For Summary Judgment Filed by Jewell Williams Represented by MEGAN N. HARPER (Counsel). (Attachments: # <u>1</u> Proposed Order # <u>2</u> Service List) (HARPER, MEGAN) (Entered: 12/26/2019)
12/26/2019		<u>72</u>	Memorandum in Support of <i>Motion for Summary Judgment</i> Filed by MEGAN N. HARPER on behalf of Jewell Williams (related document(s) <u>71</u> ). (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B # <u>3</u> Exhibit C # <u>4</u> Exhibit D # <u>5</u> Exhibit E # <u>6</u> Exhibit F # <u>7</u> Exhibit G # <u>8</u> Exhibit H # <u>9</u> Exhibit I # <u>10</u> Exhibit J # <u>11</u> Exhibit K # <u>12</u> Exhibit L # <u>13</u> Exhibit M # <u>14</u> Exhibit N) (HARPER, MEGAN) (Entered: 12/26/2019)

CARPENTER, LINDA

urchase the documents

IN ALL INTERESTED PARTIES TO SELL THE PREMISES  
THE TAX INFORMATION CERTIFICATE, BY THE SHERIFF  
URRENT REAL ESTATE TAXES, FREE AND CLEAR OF ANY  
THE COURT - CARPENTER, J., 04/27/15

CE FILED

BAKER JR, GEORGE V

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CE OF RULE TO FILE UPON STANLEY ZALKIN AND ELIZABETH ZALKIN  
REGULAR MAIL ON 06/17/2015 FILED. (FILED ON BEHALF OF PLAINTIFF)

CE FILED

urchase the documents  
[C:\Philadelp\\_06-25-2015.pdf](#)

CARPENTER, LINDA

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IN ALL INTERESTED PARTIES TO SELL THE PREMISES  
THE TAX INFORMATION CERTIFICATE, BY THE SHERIFF  
URRENT REAL ESTATE TAXES, FREE AND CLEAR OF ANY  
THE COURT - CARPENTER, J., 04/27/15

CE FILED

BAKER JR, GEORGE V

urchase the documents

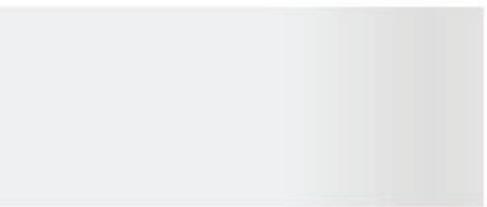
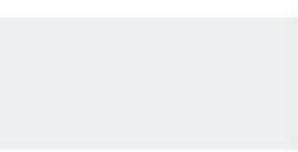
CE OF RULE TO FILE UPON STANLEY ZALKIN AND ELIZABETH ZALKIN  
REGULAR MAIL ON 06/17/2015 FILED. (FILED ON BEHALF OF PLAINTIFF)

CE FILED

urchase the documents  
[C:\\\_Philadelphia\06-25-2015.pdf](#)

even crazier speeds. 100%

Case 2:21-cv-05144-WB Document 4-2 Filed 12/16/21 Page 6 of 142



## Local Highlights

### Cobbs Creek



Neighborhood Features

Median Days on Market

Price Per Sq Ft

Germantown Chestnut  
Hill

Olney Oak Lane

Median Listing: N/A

Median Listing: N/A

Get a FREE Analysis

Case 18-00137-mdc Doc 30-4 Filed 10/24/18 Entered 10/24/18 16:00:37 Desc  
Exhibit B3 Page 1 of 7

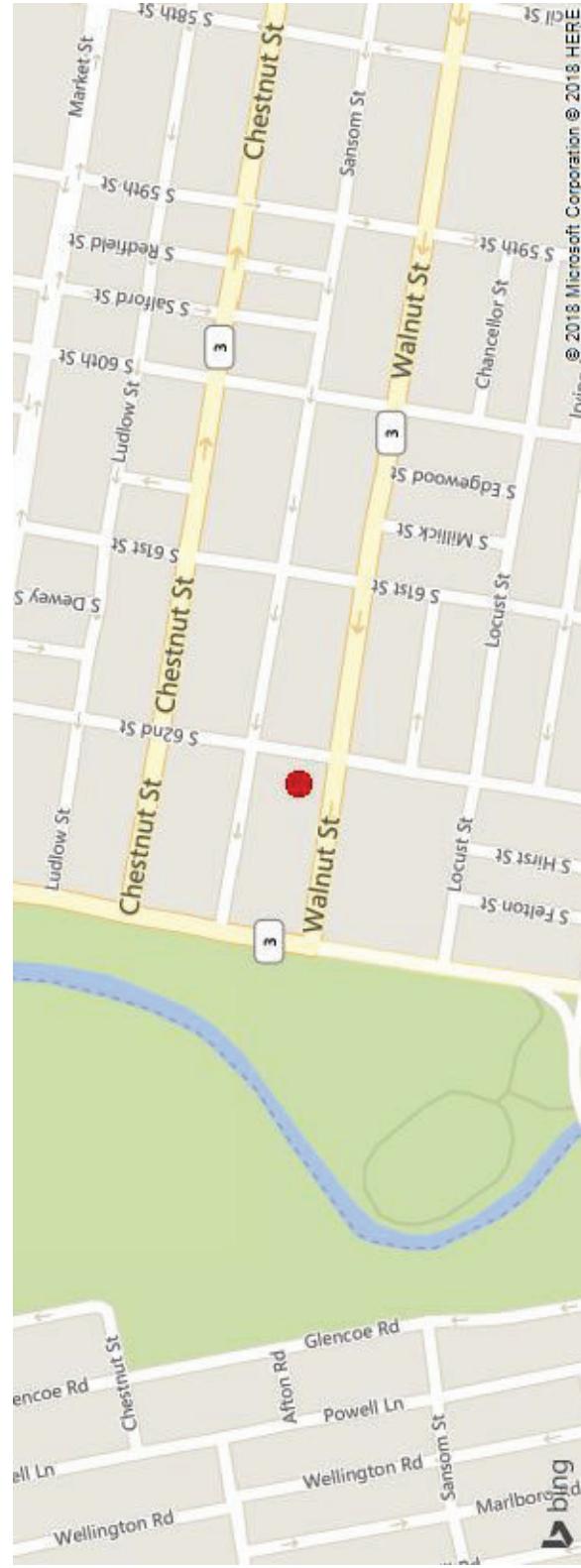
9/6/2018

SHARE



City, State, or Zip

## 146 S 62nd St, Philadelphia, PA 19139



# 146 S 62nd St, Philadelphia, PA 19139

3 beds · 1 bath · 1,160 sqft

**Zestimate®: \$117,226**  
Rent Zestimate®: \$1,200 /mo

**EST. REFI PAYMENT**

**Est. Refi Payment:**  
\$529/mo

## Is this your rental?

Get a monthly local market report with comparable rentals in your area.

- I own and manage this rental
- I manage this rental for the owner

Enter email

Subscribe

146 S 62nd St, Philadelphia, PA is a single family home that contains 1,160 sq ft and was built in 1925. It contains 3 bedrooms and 1 bathroom.

The Zestimate for this house is \$117,226, which has decreased by \$2,871 in the last 30 days. The Rent Zestimate for this home is \$1,200/mo. The property tax in 2017 was \$56.

## Facts and Features

	Type	<input type="checkbox"/> Single Family	<input checked="" type="checkbox"/> Year Built
	Heating	<input type="checkbox"/>	No Data

Case 18-00137-mdc Doc 30-4 Filed 10/24/18 Entered 10/24/18 16:00:37 Desc

Exhibit B3 Page 3 of 7

P

No Data

No Data

## INTERIOR FEATURES

## Bedrooms

Beds: 3

## Flooring

Floor size: 1,160 sqft

© ZILLOW AND AMENITIES

## Other Interior Features

Room count: 6

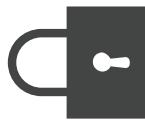
## Home Value

## Zestimate

\$117,226

ZESTIMATE RANGE  
\$103,000 - \$143,000LAST 30 DAY CHANGE  
-\$2,871 (-2.4%)ONE YEAR FORECAST  
\$118,996 (+1.5%)

## Owner Dashboard



Do you own this home? See your Owner Dashboard.

## Price / Tax History

DATE	EVENT	PRICE	\$/SQFT	SOURCE
11/21/17	Sold: Foreclosure Auction	\$30,000	\$25	Public Record

## Neighborhood: Cobbs Creek

Zillow predicts will rise 6% next year, compared to a 4.5% rise for Philadelphia as a whole. Among Cobbs Creek homes, this home is valued 40.4% more than the midpoint (median) home, and is valued 57.8% more per square foot.

Case 18-00137-mdc Doc 30-4 Filed 10/24/18 Entered 10/24/18 16:00:37 Desc

Transit Score B378 Page 5 of 7 transit)

Walk Score® 87 (Very Walkable)

9/6/2018

## NEIGHBORHOOD MAP



## NEARBY HOMES

10 photos



OFF MARKET

**\$112,835** 3 bds · 1 ba · 1,160 sqft  
150 S 62nd St, Philadelphia, PA

See more nearby homes



# Nearby Schools in Philadelphia

GRACESCHOOLS RATING <a href="#">?</a>	SCHOOL	GRADES	DISTANCE
1 out of 10	Sayre William L Middle	9-12	0.4 mi
2 out of 10	Bryant William C School	PK-8	0.5 mi
3 out of 10	Hamilton Andrew School	K-8	0.7 mi

Data by [GreatSchools.org](#) [?](#)

**About the ratings:** Historically, GreatSchools ratings have been based solely on a comparison of standardized test results for all schools in a given state. As of September 2017, the GreatSchools ratings also incorporate additional information, when available, such as college readiness, academic progress, advanced courses, equity, discipline and attendance data. GreatSchools ratings are designed to be a starting point to help parents compare schools, and should not be the only factor used in selecting the right school for your family.

**Disclaimer:** School attendance zone boundaries are provided by a third party and subject to change. Check with the applicable school district prior to making a decision based on these boundaries.

## Similar Homes for Sale

 6209 Chestnut St,	<b>FOR SALE</b>	<b>SOLD: \$89,900</b>
	N/A	Sold on 8/29/2018

-- beds, -- baths, 2110 sqft  
**6209 Chestnut St, Philadelphia**

## Nearby Similar Sales

<b>SOLD: \$89,900</b>
Sold on 8/29/2018
3 beds, 1.0 baths, 1110 sqft
<b>6049 Irving St, Philadelphia, PA 19139</b>

Case 18-00137-mdc Doc 30-4 Filed 10/24/18 Entered 10/24/18 16:00:37 Desc

Exhibit B3

Page 7 of 7

9/6/2018

 Philadelphia, Delancey St, Philadelphia, PA 19143	<b>FOR SALE</b> <b>\$104,900</b> 3 beds, 1.0 baths, 960 sqft 6227 Delancey St, Philadelphia, PA 19139	<b>SOLD: \$110,000</b> Sold on 11/1/2017 3 beds, 1.5 baths, 1234 sqft 185 Powell Ln, Upper Darby, PA 19082
 Philadelphia, PA 19139	<b>FOR SALE</b> <b>\$89,900</b> 3 beds, 1.0 baths, 1130 sqft 6112 Sansom St, Philadelphia, PA 19139	<b>SOLD: \$113,000</b> Sold on 12/26/2017 4 beds, 1.0 baths, 1522 sqft 6030 Chestnut St, Philadelphia, PA 19139
 Philadelphia, PA 19139	<b>FOR SALE</b> <b>\$99,000</b> 3 beds, 2.0 baths, 960 sqft 257 S Hirst St, Philadelphia, PA 19139	<b>SOLD: \$114,000</b> Sold on 3/16/2018 3 beds, 1.0 baths, 977 sqft 5915 Addison St, Philadelphia, PA 19143
 Philadelphia, PA 19139	<b>FOR SALE</b> <b>\$89,900</b> 3 beds, 1.0 baths, 1110 sqft 6049 Irving St, Philadelphia, PA 19139	

Jun-16

Oct-16

Feb-17

Jun-17



**Get Price Alerts on this home**

# Houses for Sale Nearby



**SHERIFF'S OFFICE OF PHILADELPHIA COUNTY**

**Jewell Williams**  
Sheriff

**Richard Verrecchio**  
Captain

**Kevin Lamb**  
Chief Deputy

**Robert Jackson**  
Chief of Staff

Date: **May 07, 2018**

To: **STANLEY ZALKIN AND ELEANOR ZALKIN  
146 SOUTH 62ND STREET  
PHILADELPHIA, PA 19139**

**INVOICE**

**TAX COLLECTION - GRB (5000)**

**CITY OF PHILADELPHIA**  
vs.  
**STANLEY ZALKIN AND ELEANOR ZAL**

**Case Number**  
1504T0192  
(1707-5002)

**PROPERTY ADDRESS**  
146 S 62ND ST, PHILADELPHIA, PA 19139-2928

**The following costs have been incurred in the above captioned action. Money owed is due upon receipt. Thank you for your cooperation in this matter.**

**BALANCE DUE:** **\$ 0.00**

  
\_\_\_\_\_  
Jewell Williams  
Sheriff

**COSTS**

DATE	CATEGORY	MEMO	CHK #	DEBIT	CREDIT
12/29/2017	Advertising	Total Advertising		\$255.81	\$0.00
12/29/2017	Sheriff Costs	Total Sheriff Costs		\$2,452.90	\$0.00
10/05/2017	Deposit on Sale	Deposit on Sale JW 53837	940613646	\$0.00	\$1,000.00
10/05/2017	Deposit on Sale	Deposit on Sale JW 53837	1601804265	\$0.00	\$2,000.00
11/03/2017	Balance on Sale	Balance on Sale - ABDEL DAYEM HASSAN	1601804564	\$0.00	\$27,000.00
10/06/2017	Delinquent Taxes	(PAID 11/13/2017)	104311	\$1,967.40	\$0.00
10/06/2017	Current Taxes	(PAID 11/13/2017)	104310	\$61.87	\$0.00
10/06/2017	Water	(PAID 11/13/2017)	104309	\$1,532.83	\$0.00
10/06/2017	Meter Install	(PAID 11/13/2017)	104307	\$195.00	\$0.00
11/10/2017	Sheriff Transfer Taxes (City)	(PAID 11/15/2017)	104318	\$1,064.54	\$0.00
11/10/2017	Sheriff Transfer Taxes (State)	(PAID 11/15/2017)	104318	\$343.40	\$0.00
11/10/2017	Sheriff Record Deed	(PAID 11/15/2017)	104318	\$257.00	\$0.00
12/29/2017	Unused Proceeds	tbd		\$21,869.25	\$0.00
				<b>\$30,000.00</b>	<b>\$30,000.00</b>

**BALANCE:** **\$ 0.00**

United States Bankruptcy Court  
Eastern District of Pennsylvania

## **Notice of Bankruptcy Case Filing**

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 13 of the United States Bankruptcy Code, entered on 05/08/2018 at 6:04 PM and filed on 05/08/2018.

**Lyndel Toppin**  
146 S. 62nd Street  
Philadelphia, PA 19145  
SSN / ITIN: xxx-xx-2550



The case was filed by the debtor's attorney:

**STEPHEN MATTHEW DUNNE**  
Dunne Law Offices, P.C.  
1515 Market Street  
Suite 1200  
Philadelphia, PA 19102  
U.S.A.  
215-551-7109

The case was assigned case number 18-13098-mdc to Judge Magdeline D. Coleman.

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available at our *Internet* home page <http://ecf.paeb.uscourts.gov> or at the Clerk's Office, 900 Market Street, Suite 400, Philadelphia, PA 19107.

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

Timothy B McGrath

HASSAN, ABDELDYEM

WITHIN TWENTY (20) DAYS AFTER SERVICE IN ACCORDANCE  
WITH THE COURT'S LOCAL RULES.

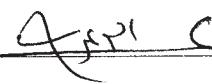
HASSAN, ABDELDYEM

SERVED ON UNKNOWN OCCUPANTS 1/27/18, 6:00PM

Trial Division  
Civil Cover Sheet

JANUARY 2018

003400

PLAINTIFF'S NAME <i>Abdel DYM Hassan</i>		DEFENDANT'S NAME <i>Unknown Occupant</i>	
PLAINTIFF'S ADDRESS <i>309 BARKER AVE Lansdowne PA 19050</i>		DEFENDANT'S ADDRESS <i>146 S 62 ST PHila 19139</i>	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS		TOTAL NO. OF DEFENDANTS	
		COMMENCEMENT OF ACTION	
		<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition Action
		<input type="checkbox"/> Writ of Summons	<input type="checkbox"/> Notice of Appeal
		<input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY	COURT PROGRAMS		
<input type="checkbox"/> \$50,000.00 or less	<input type="checkbox"/> Arbitration	<input type="checkbox"/> Mass Tort	<input type="checkbox"/> Minor Court Appeal
<input checked="" type="checkbox"/> More than \$50,000.00	<input type="checkbox"/> Jury	<input type="checkbox"/> Savings Action	<input type="checkbox"/> Statutory Appeals
	<input type="checkbox"/> Non-Jury	<input type="checkbox"/> Petition	<input type="checkbox"/> Commerce (Completion of Addendum Required)
	<input type="checkbox"/> Other:		<input type="checkbox"/> Settlement
			<input type="checkbox"/> Minors
			<input type="checkbox"/> W/D/Survival
CASE TYPE AND CODE (SEE INSTRUCTIONS)			
STATUTORY BASIS FOR CAUSE OF ACTION (SEE INSTRUCTIONS)			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)  Hassan Vs Unknown Occupants-CMPLC   18010340000002			IS CASE SUBJECT TO COORDINATION ORDER?  <input type="checkbox"/> Yes <input type="checkbox"/> No  <input checked="" type="checkbox"/> <input type="checkbox"/>  <input type="checkbox"/> <input checked="" type="checkbox"/>
TO THE PROTHONOTARY:  Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant:  Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY <i>Abdel DYM Hassan</i>		ADDRESS (SEE INSTRUCTIONS) <i>309 BARKER AVE Lansdowne PA 19050</i>	
PHONE NUMBER <i>484 5571737</i>	FAX NUMBER		
SUPREME COURT IDENTIFICATION NO.		E-MAIL ADDRESS	
SIGNATURE 		DATE <i>1-22-2018</i>	

## Instructions for Completing Civil Cover Sheet

Rules of Court require that a Civil Cover Sheet be attached to any document commencing an action (whether the action is commenced by Complaint, Writ of Summons, Notice of Appeal, or by Petition). The information requested is necessary to allow the Court to properly monitor, control and dispose cases filed. A copy of the Civil Cover Sheet must be attached to service copies of the document commencing an action. The attorney or non-represented party filing a case shall complete the form as follows:

### A. Parties

#### i. Plaintiffs/Defendants

Enter names (last, first, middle initial) of plaintiff, petitioner or appellant ("plaintiff") and defendant. If the plaintiff or defendant is a government agency or corporation, use the full name of the agency or corporation. In the event there are more than three plaintiffs and/or three defendants, list the additional parties on the Supplemental Parties Form. Husband and wife are to be listed as separate parties.

#### ii. Parties' Addresses

Enter the address of the parties at the time of filing of the action. If any party is a corporation, enter the address of the registered office of the corporation.

#### iii. Number of Plaintiffs/Defendants:

Indicate the total number of plaintiffs and total number of defendants in the action.

### B. Commencement Type:

Indicate type of document filed to commence the action.

### C. Amount in Controversy:

Check the appropriate box.

### D. Court Program:

Check the appropriate box.

### E. Case Types:

Insert the code number and type of action by consulting the list set forth hereunder. To perfect a jury trial, the appropriate fees must be paid as provided by rules of court.

#### Proceedings Commenced by Appeal

##### Minor Court

- 5M Money Judgment
- 5L Landlord and Tenant
- 5D Denial Open Default Judgment
- 5E Code Enforcement
- Other:

##### Local Agency

- 5B Motor Vehicle Suspension - Breathalyzer
- 5V Motor Vehicle Licenses, Inspections, Insurance
- 5C Civil Service
- 5K Philadelphia Parking Authority
- 5Q Liquor Control Board
- 5R Board of Revision of Taxes
- 5X Tax Assessment Boards
- 5Z Zoning Board
- 52 Board of View
- 51 Other:

##### Other:

#### Proceedings Commenced by Petition

- 8P Appointment of Arbitrators
- 8C Name Change - Adult
- 8L Compel Medical Examination
- 8D Eminent Domain
- 8E Election Matters
- 8F Forfeiture
- 8S Leave to Issue Subpoena
- 8M Mental Health Proceedings
- 8G Civil Tax Case - Petition
- Other:

#### Actions Commenced by Writ of Summons or Complaint

##### Contract

- 1C Contract
- 1T Construction
- 1O Other:

##### Tort

- 2B Assault and Battery
- 2L Libel and Slander
- 4F Fraud
- 1J Bad Faith
- 2E Wrongful Use of Civil Process
- Other:

##### Negligence

- 2V Motor Vehicle Accident
- 2H Other Traffic Accident
- 1F No Fault Benefits
- 4M Motor Vehicle Property Damage
- 2F Personal Injury - FELA
- 2O Other Personal Injury
- 2S Premises Liability - Slip & Fall
- 2P Product Liability
- 2T Toxic Tort
- T1 Asbestos*
- TZ DES*
- T2 Implant*
- 3E Toxic Waste
- Other:

##### Professional Malpractice

- 2D Dental
- 4L Legal
- 2M Medical
- 4Y Other:

##### Subrogation

- 1G Subrogation
- Equity
- E1 No Real Estate
- E2 Real Estate
- ID Declaratory Judgment
- M1 Mandamus

##### Real Property

- 3R Rent, Lease, Ejectment
- Q1 Quiet Title
- 3D Mortgage Foreclosure - Residential Owner Occupied
- 3F Mortgage Foreclosure - Not Residential Not Owner Occupied
- 1L Mechanics Lien
- P1 Partition
- Prevent Waste
- 1V Replevin
- 1H Civil Tax Case - Complaint
- Other:

#### Commerce

Commencing January 3, 2000 the First Judicial District instituted a Commerce Program for cases involving corporations and corporate law issues, in general. If the action involves corporations as litigants or is deemed a Commerce Program case for other reasons, please check this block AND complete the information on the "Commerce Program Addendum". For further instructions, see Civil Trial Division Administrative Docket 01 of 2000.

#### G. Statutory Basis for Cause of Action

If the action is commenced pursuant to statutory authority ("Petition Action"), the specific statute must be identified.

#### H. Related Pending Cases

All previously filed related cases, regardless of whether consolidated by Order of Court or Stipulation, must be identified.

#### I. Plaintiff's Attorney

The name of plaintiff's attorney must be inserted herein together with other required information. In the event the filer is not represented by an attorney, the name of the filer, address, the phone number and signature is required.

**The current version of the Civil Cover Sheet may be downloaded from the FJD's website**  
**<http://courts.phila.gov>**

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
COURT OF COMMON PLEAS OF PHILADELPHIA

ABdulSyeM HASSAN  
unknown occupant

JANUARY 2018

003400

**NOTICE TO DEFEND**

**NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

*You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.*

Philadelphia Bar Association  
Lawyer Referral  
and Information Service  
1101 Market St., 11th Floor  
Philadelphia, Pennsylvania 19107  
(215) 238-6333

**AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se desfiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

*Lleve esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio. Vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.*

Asociacion De Licenciados  
De Filadelfia  
Servicio De Referencia E  
Informacion Legal  
1101 Market St., 11th Piso  
Filadelfia, Pennsylvania 19107  
(215) 238-6333

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION - CIVIL

Abdelayem HASSAN  
Plaintiff(s)  
vs.  
unknown occupant  
Defendant(s)

JANUARY 2018

Court Term \_\_\_\_\_, \_\_\_\_\_  
(month) (year)  
& No. **003400**

COMPLAINT IN EJECTMENT

1. Plaintiff(s) is (are) Abdelayem HASSAN with an address of 146 S. 62nd ST, Philadelphia, PA 19139.
2. Defendant(s) is (are) unknown occupant who occupy the Property located at 146 S. 62nd ST PHILA PA 19139, Philadelphia, PA 19\_\_\_\_\_.
3. Plaintiff(s) is (are) the legal owner(s) of the property by virtue of the attached Deed. A complete copy of the Deed attached is the last recorded Deed. [Exhibit A - Deed]
4. Defendant(s) do not have a lease and Plaintiff(s) and Defendant(s) are not Landlord(s) and Tenant(s).
5. Plaintiff(s) is (are) entitled to immediate possession of the Property.
6. Plaintiff(s) has (have) demanded possession of the Property from the Defendant(s) and Defendant(s) has (have) refused to deliver up possession to Plaintiff(s).

WHEREFORE, Plaintiff(s) requests Judgment for possession of the Property.

By: Abdelayem HASSAN  
Signature

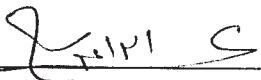
Abdelayem HASSAN  
Print  
Address: 309 BARKER AVE  
Lansdowne PA  
19050

(ATTACH A COMPLETE COPY OF THE DEED AS EXHIBIT A)

VERIFICATION

Plaintiff(s) Abdel dyem HASSAN

hereby verify that the statements set forth in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I understand that these statements are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.



Signature



Signature

Dated: 1.22.018

Exhibit F Page 6 of 11

eRecorded in Philadelphia PA Doc Id: 53294873

11/21/2017 05:01 PM Page 1 of 6 Rec Fee: \$252.00

Receipt#: 17-121162

Records Department Doc Code: DS

State RTT: \$343.40 Local RTT: \$1,064.54

1707-5002

## Know all Men by these Presents

*THAT I, Jewell Williams, Sheriff of the County of Philadelphia in the Commonwealth of Pennsylvania, for  
and in consideration of the sum of THIRTY THOUSAND AND XX / 100 [\$30,000.00] dollars, to me in  
hand paid, do hereby grant and convey to ABDELDAYEM HASSAN.*

### DESCRIPTION

BRT#: 031193800

Premises Being: 146 S 62ND ST, PHILADELPHIA, PA 19139-2928

SEE ATTACHED LEGAL DESCRIPTION

*The same having been sold, on the 5th day of October Anno Domini Two Thousand Seventeen, after due advertisement, according to the law, under and by virtue of a Writ of Execution/DECREE issued out of the Court of Common Pleas as of April Term, Two Thousand Fifteen Number T0192 as the suit of:*

CITY OF PHILADELPHIA

VS.

STANLEY ZALKIN AND ELEANOR ZALKIN

In witness whereof, I have hereunto affixed my signature this 9th day of November Anno Domini Two Thousand Seventeen.

SEALED AND DELIVERED  
IN THE PRESENCE OF:

*Marilyn R. Franks*  
Marilyn R. Franks (Nov 10, 2017)

Witness

Jewell Williams, SHERIFF

BY

*Richard Tyer*  
Richard Tyer (Nov 10, 2017)

Witness

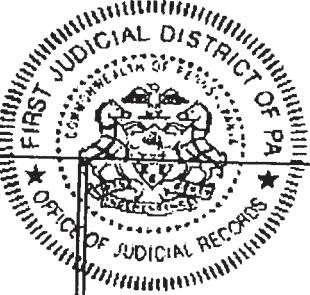
*Inspector Richard Verrecchio*  
Inspector Richard Verrecchio (Nov 10, 2017)

Richard Verrecchio, Real Estate Inspector

Commonwealth of Pennsylvania  
County of Philadelphia

On this, the 09 Nov 2017, before me, the undersigned Officer, personally appeared JEWELL WILLIAMS, BY HIS/HER REAL ESTATE INSPECTOR RICHARD VERRECCHIO, Sheriff of the County of Philadelphia, known to me (or satisfactorily proven) to be the person described in the foregoing instrument, and acknowledged that he/she executed the same in the capacity therein stated and for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and official seal.

  
*Steven J. Wulko*  
Steven J. Wulko (Nov 10 2017)

Office of Judicial Records  
Steven J. Wulko, Deputy Director

Book No. 1707  
Writ No. 5002  
Control No.

## Deed = Poll

Jewell Williams, SHERIFF

TO

ABDELDAYEM HASSAN

CITY OF PHILADELPHIA

VS.

STANLEY ZALKIN AND ELEANOR ZALKIN

APR T 2015

No. T0192

Premises:  
146 S 62ND ST  
PHILADELPHIA, PA19139-2928

Sheriff of the County of Philadelphia  
Captain Richard Verrecchio  
Witness  
Real Estate/Settlement Dept.  
Land Title Building  
100 South Broad Street 5th Floor  
Philadelphia, PA19110

The Address of the within-named Grantee  
309 BARKER AVENUE  
LANSDOWNE, PA19050  
On behalf of the Grantee  
Jewell Williams, SHERIFF  
Philadelphia Sheriff Office



**pennsylvania**  
DEPARTMENT OF REVENUE

Bureau of Individual Taxes  
PO BOX 280603  
Harrisburg, PA 17128-0603

## Exhibit F Page 9 of 11

53294873 Page 4 of **RECORDERS USE ONLY**  
**REALTY TRANSFER TAX**

**STATEMENT OF VALUE**

See reverse for instructions.

53294873

State Tax Paid

Book Number

Page Number

Date Recorded

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is not set forth in the deed, (2) the deed is without consideration or by gift, or (3) a tax exemption is claimed. If more space is needed, please attach additional sheets. A Statement of Value (SOV) is not required if the transfer is wholly exempt from tax based on family relationship or public utility easement. However, it is recommended that a SOV accompany all documents filed for recording.

**A. CORRESPONDENT** - All inquiries may be directed to the following person:

Name				Telephone Number
<b>Sheriff of the County of Philadelphia</b>				<b>(215) 686-3530</b>
Mailing Address				
<b>Land Title Building 100 South Broad Street 5th Floor</b>	<b>City</b>			<b>State ZIP Code</b>
	<b>Philadelphia</b>			<b>PA 19110</b>

**B. TRANSFER DATA**

			<b>Date of Acceptance of Document</b>		
Grantor(s)/Lessor(s)				Grantee(s)/Lessee(s)	
<b>Jewell Williams, Sheriff</b>				<b>ABDEL DAYEM HASSAN</b>	
Mailing Address				Mailing Address	
<b>Land Title Building 100 South Broad Street 5th Floor</b>				<b>309 BARKER AVENUE</b>	
City	<b>State</b>	<b>ZIP Code</b>	City	<b>State</b>	<b>ZIP Code</b>
<b>Philadelphia</b>	<b>PA</b>	<b>19110</b>	<b>LANSDOWNE</b>	<b>PA</b>	<b>19050</b>

**C. REAL ESTATE LOCATION**

Street Address				City, Township, Borough
<b>146 S 62ND ST</b>				<b>PHILADELPHIA</b>
County	School District			Tax Parcel Number
<b>Philadelphia</b>				<b>031193800</b>

**D. VALUATION DATA**

Was transaction part of an assignment or relocation? <input type="checkbox"/> Y <input type="checkbox"/> N		
1. Actual Cash Consideration <b>\$30,000.00</b>	2. Other Consideration <b>+ \$0.00</b>	3. Total Consideration <b>= \$30,000.00</b>
4. County Assessed Value <b>\$34,000.00</b>	5. Common Level Ratio Factor <b>x 1.01</b>	6. Computed Value <b>= \$34,340.00</b>

**E. EXEMPTION DATA** - Refer to instructions for exemption status.

1a. Amount of Exemption Claimed	1b. Percentage of Grantor's Interest in Real Estate	1c. Percentage of Grantor's Interest Conveyed
---------------------------------	---	---

## 2. Check Appropriate Box Below for Exemption Claimed.

- Will or intestate succession. \_\_\_\_\_ (Name of Descendant) \_\_\_\_\_ (Estate File Number)
- Transfer to a trust. (Attach complete copy of trust agreement identifying all beneficiaries.)
- Transfer from a trust. Date of transfer into trust \_\_\_\_\_  
If trust was amended attach a copy of original and amended trust.
- Transfer between principal and agent/straw party. (Attach complete copy of agency/straw party agreement.)
- Transfers to the commonwealth, the U.S. and instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)
- Transfer from mortgagor to a holder of a mortgage in default. (Attach copy of mortgage and note/assignment.)
- Corrective or confirmatory deed. (Attach complete copy of the deed to be corrected or confirmed.)
- Statutory corporate consolidation, merger or division. (Attach copy of articles.)
- Other (Please explain exemption claimed.) \_\_\_\_\_

Under penalties of law or ordinance, I declare that I have examined this Statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Correspondent or Responsible Party

Tiffany Harrison

Date
11/09/2017

FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH REQUESTED DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.

<b>PHILADELPHIA REAL ESTATE TRANSFER TAX CERTIFICATION</b>		BOOK NO.	PAGE NO.
		DATE RECORDED	
		CITY TAX PAID	
<p>Complete each section and file in duplicate with Recorder of Deeds when (1) the full consideration/value is not set forth in the deed, (2) when the deed is with consideration, or by gift, or (3) a tax exemption is claimed. If more space is needed, attach additional sheet(s).</p>			
<b>A. CORRESPONDENT - All inquiries may be directed to the following person:</b>			
NAME <b>Sheriff of the County of Philadelphia</b> STREET ADDRESS <b>Land Title Building 100 South Broad Street 5th Floor</b>		TELEPHONE NUMBER <b>(215) 686-3530</b> CITY <b>Philadelphia</b> STATE <b>PA</b> ZIP CODE <b>19110</b>	
<b>B. TRANSFER DATA</b> GRANTOR(S)/LESSOR(S) <b>Jewell Williams, Sheriff</b> STREET ADDRESS <b>Land Title Building 100 South Broad Street 5th Floor</b> CITY <b>Philadelphia</b> STATE <b>PA</b> ZIP CODE <b>19110</b>		DATE OF ACCEPTANCE OF DOCUMENT: GRANTEE(S)/LESSEE(S) <b>ABDELDAYEM HASSAN</b> STREET ADDRESS <b>309 BARKER AVENUE</b> CITY <b>LANSDOWNE</b> STATE <b>PA</b> ZIP CODE <b>19050</b>	
<b>C. PROPERTY LOCATION</b> STREET ADDRESS <b>146 S 62ND ST</b> COUNTY <b>PHILADELPHIA</b> SCHOOL DISTRICT <b>PHILADELPHIA</b> TAX PARCEL NUMBER <b>031193800</b>			
<b>D. VALUATION DATA</b> 1. ACTUAL CASH CONSIDERATION <b>\$30,000.00</b> 2. OTHER CONSIDERATION <b>+ \$0.00</b> 3. TOTAL CONSIDERATION <b>= \$30,000.00</b> 4. COUNTY ASSESSED VALUE <b>\$34,000.00</b> 5. COMMON LEVEL RATIO FACTOR <b>X 1.01</b> 6. FAIR MARKET VALUE <b>= \$34,340.00</b>			
<b>E. EXEMPTION DATA</b> 1A. AMOUNT OF EXEMPTION 1B. PERCENTAGE OF INTEREST CONVEYED Transfer Tax: <b>\$1,407.94</b>			
<b>2. Check Appropriate Box Below for Exemption Claimed</b>			
<input type="checkbox"/> Will or intestate succession _____ (NAME OF DECEDENT) _____ (ESTATE FILE NUMBER) _____			
<input type="checkbox"/> Transfer to Industrial Development Agency.			
<input type="checkbox"/> Transfer to agent or straw party. (Attach copy of agency/straw party agreement).			
<input type="checkbox"/> Transfer between principal and agent. (Attach copy of agency/straw trust agreement). Tax paid prior deed \$ _____			
<input type="checkbox"/> Transfer to the Commonwealth, the United States, and instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (Attach copy of resolution).			
<input type="checkbox"/> Transfer from mortgagor to a holder of a mortgage in a default. Mortgage Book Number _____, Page Number _____ Mortgagee (grantor) sold property to Mortgagor (grantee) (Attach copy of prior deed).			
<input type="checkbox"/> Corrective deed (Attach copy of the prior deed).			
<input type="checkbox"/> Other (Please explain exemption claimed, if other than listed above.) _____ _____			
<i>Under penalties of law or ordinance, I declare that I have examined this Statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.</i>			
SIGNATURE OF CORRESPONDENT OR RESPONSIBLE PARTY <b>Tiffany Harrison</b>		DATE <b>11/9/2017</b>	

1706-5002

BRT/OPA #: 031193800

Legal Description

Assessed Legal Description: 139' 3" S OF SANSON 15' 4" X 94' 5"

Abbreviated Legal Description: 15' 4" X 94' 5-7/8"

Actual Legal Description for Premises:

146 S 62ND ST

ALL THAT CERTAIN lot or piece of ground with the messuage or tenement thereon erected.

SITUATE on the West side of 62nd Street at the distance of 138 feet 3 inches Southward from the South side of Sansom Street.

CONTAINING in front or breadth on 62nd Street 15 feet 4 inches and extending of that width in length or depth Westwardly at right angles with 62nd Street 94 feet 5-7/8 inches to a certain 3 feet wide alley leading Northward and Southward between Sansom Street and Walnut Street.

BEING the same premises which Patricia Roberts Harris, Secretary of Housing and Urban Development, of Washington, D.C. by Deed dated 02/01/1978 and recorded 03/08/1978 at Philadelphia in Deed Book DCC 1603 - 269 granted and conveyed unto Stanley Zalkin and Eleanor, h/w in fee.

Case ID: 1504T0192

IN THE COURT OF COMMON PLEAS PHILADELPHIA COUNTY  
 FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
 TRIAL DIVISION - CIVIL

*Abedyem Hassan*  
 Plaintiff

v.

*Unknown occupant*  
 Defendant

*January 10 TERM, 2018*

NO. 3400

Hassan Vs Unknown Occupants-AFDVT



18010340000004

RETURN OF SERVICE/AFFIDAVIT

I, Ahmed Nafie, hereby certify that I served a true and correct copy of the Complaint/ Notice of Appeal / Rule on UNKNOWN occupants  
 (Insert Name of Party)

1) By handing a copy to the Defendant / Appellee, Unknown occupants  
 on the 27 day of JAN, 2018 at 6:00 AM/PM, at  
146 S 62nd st, Philadelphia, PA. 19139

2) By handing a copy to \_\_\_\_\_, an adult  
 member of the family/adult person in charge of Defendant's / Appellee's residence,  
 on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ AM/PM, at  
 \_\_\_\_\_, Philadelphia, PA.

I verify that the statements in this Return of Service are true and correct. I further verify  
 that I am an adult over the age of 18 and not related to any party in this action.  
 I understand that this unsworn document contains statements that are made subject to  
 the penalties of 18 P.C.S. §4904 relating to unsworn falsification to authorities.

Sworn to and Affirmed

This 27 day of JAN 2018

*[Signature]*  
 Notary Public  
 (SEAL)

Ahmed Nafie (Sign)

Ahmed Nafie (Print Name)

2018 JAN 29

By: ABDELDYEM HASSAN

Address: 309 BAKER AVE  
LANDSDOWNE, PA 19050

Telephone: 484-557-1737

HASSAN.

**Plaintiff(s)**

vs.

All UNKNOWN  
occupants.

**Defendant(s)**

FIL

2018 APR -5 PM 4:

PHILADELPHIA COUNTY  
COURT OF COMMON PLEAS  
TRIAL DIVISION - CIVIL

\_\_\_\_\_ Term, \_\_\_\_\_  
(month) (year)

No. 180103400 (4 digits)

**PRAEICE TO ENTER DEFAULT JUDGMENT  
FOR POSSESSION**

**TO THE OFFICE OF JUDICIAL RECORDS:**

Please enter a default judgment in favor of Plaintiff(s), ABDELDYEM HASSAN, and against Defendant(s), All UNKNOWN OCCUPANTS; for failure to answer or otherwise respond to the Complaint.

1. The complaint was served upon Defendant(s) on 1/27/18 by PERSONAL DELIVERY.  
(manner of service)

A copy of the Proof of Service is attached hereto / filed of record.

2. A copy of the Notice pursuant to Pa.R.C.P. 237.1(2) is attached hereto. A copy of the  
Certification of Service of the Notice is attached hereto.

3. Enter Judgment for Possession of premises known as 1416 S. 62<sup>ND</sup> ST.  
RHILA PA 19139

Hassan Vs Unknown Occupants-JDDFF



18010340000005

 Plaintiff

**Plaintiff**

IN THE COURT OF COMMON PLEAS PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION - CIVIL

A Bdelgyc M HASSAN Plaintiff

v.

January 10 TERM, 2018

NO. 3400

Unknown occupant Defendant

Hassan Vs Unknown Occupants-AFDVT



18010340000004

RETURN OF SERVICE/AFFIDAVIT

I, Ahmed Nafie, hereby certify that I served a true and correct copy of the Complaint/ Notice of Appeal / Rule on Unknown occupants (Insert Name of Party)

1) By handing a copy to the Defendant / Appellee, Unknown occupants on the 27 day of JAN, 2018 at 6:00 AM/PM at 146 S 62nd st, Philadelphia, PA. 19139

2) By handing a copy to \_\_\_\_\_, an adult member of the family/adult person in charge of Defendant's / Appellee's residence, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ AM/PM, at \_\_\_\_\_, Philadelphia, PA.

I verify that the statements in this Return of Service are true and correct. I further verify that I am an adult over the age of 18 and not related to any party in this action. I understand that this unsworn document contains statements that are made subject to the penalties of 18 P.C.S. §4904 relating to unsworn falsification to authorities.

Sworn to and Affirmed  
This 21 day of JAN 2018

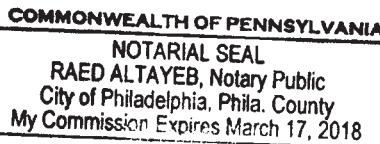
Notary Public  
(SEAL)

Ahmed Nafie (Sign)

Ahmed Nafie (Print Name)

2018 JAN 29

10:11 AM



By: ABDELDYEM HASSAN

Address: 309 BAKER AVE.

LANDSDOWN, PA 19050

Telephone: 484-557-1737.

HASSAN

**Plaintiff(s)**

vs.

All unknown

OCCUPANTS.

**Defendant(s)**

PHILADELPHIA COUNTY  
COURT OF COMMON PLEAS  
TRIAL DIVISION - CIVIL

No. 18D103400  
(4 digits)

**CERTIFICATION OF SERVICE OF NOTICE OF PRAECL<sup>I</sup>PE  
TO ENTER JUDGMENT OF DEFAULT**

On 4-5-18, the undersigned caused a copy of the Notice of Praeclipe to Enter Judgment of  
Default to be served by CERTIFIED MAIL upon Defendant(s) All UNKNOWN OCCUPANTS.  
(manner of service)

I verify that the facts are true and correct and understand that the statements made in this Certification have been made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

(6) *Kipper* Plaintiff

By: ABDELDYLM HASSAN.  
Address: 309 BARKER AVE,  
LANDSDOWNE, PA 19050.  
Telephone: 484-557-1737

HASSAN.

PHILADELPHIA COUNTY  
COURT OF COMMON PLEAS  
TRIAL DIVISION - CIVIL

Plaintiff(s)

vs.

All Unknown

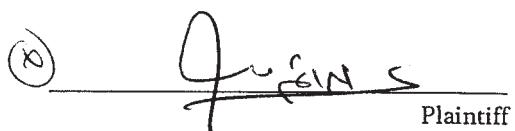
OCCUPANTS

Defendant(s)

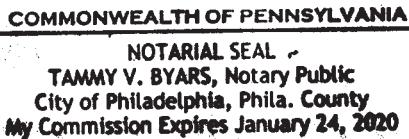
Term, \_\_\_\_\_  
(month) \_\_\_\_\_ (year)  
No. 180103400  
(4 digits)

#### AFFIDAVIT OF NON-MILITARY SERVICE

The above-named defendant resides at 146 S. 62ND St, Phila and the defendant is not in the Military Service of the United States, nor any State or Territory thereof or its allies as defined in the Servicemembers Civil Relief Act of 2003 and the amendments thereto.

  
Plaintiff

Sworn to and subscribed  
Before me this 5 day  
Of April 2018  
Tammy V. Byars  
Notary Public





OFFICE OF JUDICIAL RECORDS  
COURT OF COMMON PLEAS  
ROOM 284, CITY HALL PHILADELPHIA, PA 19107

ERIC FEDER  
DIRECTOR, OFFICE OF JUDICIAL RECORDS

ABdelayem HASSAN Plaintiff : COURT OF COMMON PLEAS  
 vs. : (Philadelphia County)  
Unknown Occupants Defendant : Jan. Term, 20 18  
 No. 3400

To: Unknown Occupants (Defendant)  
 (NOTE: Serve on unrepresented defendant or on defendant's attorney)

Date of Notice: 2-20-18

**Notice, Rule 237.5**  
**Notice of Praeclipe to Enter Judgment by Default**

**IMPORTANT NOTICE**

You are in default because you have failed to enter a written appearance personally or by attorney and file in writing with the Court your defenses or objections to the claims set forth against you. Unless you act within ten days from the date of this notice, a judgment may be entered against you without a hearing and you may lose your property or other important rights.

You should take this paper to your lawyer at once. If you do not have a lawyer, go to or telephone the office set forth below. This office can provide you with information about hiring a lawyer.

If you cannot afford to hire a lawyer, this office may be able to provide you with information about agencies that may offer legal services to eligible persons at a reduced fee or no fee.

**NOTIFICACION IMPORTANTE**

Usted está en defecto porque usted no ha podido entrar en un aspecto escrito, personalmente o mediante abogado y archivo por escrito ante el Tribunal sus defensas u objeciones a las alegaciones expuestas en su contra. A menos que usted actúa dentro de los diez días siguientes a la fecha de esta notificación, la resolución podrá ser en su contra sin una audiencia y usted puede perder su propiedad u otros derechos importantes.

Usted debe tomar este trabajo con su abogado a la vez. Si usted no tiene un abogado, vaya a o llamar por teléfono a la oficina se establece a continuación. Esta oficina puede proporcionarle información sobre la contratación de un abogado.

Si usted no puede permitirse el lujo de contratar a un abogado, esta oficina puede ser capaz de proporcionarle información acerca de las agencias que pueden ofrecer servicios legales a personas con derecho a una tarifa reducida o ninguna cuota.

Philadelphia Bar Association  
Lawyer Referral and Information Service  
1101 Market Street, 11th Floor Philadelphia, Pennsylvania 19107  
(215) 238-6333

Asociacion de Licenciados de Filadelfia  
Servicio de Referencia e Informacion Legal  
1101 Market Street, 11th Floor  
Filadelfia, Pennsylvania 19107  
(215)238-6333

If you have any questions concerning this notice, please call:

ABdelayem HASSAN  
 (Name of Attorney or Plaintiff)  
146 S. 62nd St Philadelphia PA 19139  
 (Attorney's or Plaintiff's Address)

at this telephone number: 484 55 71737

PHILADELPHIA COURT OF COMMON PLEAS  
PETITION/MOTION COVER SHEET

FOR COURT RECORDS ONLY	
ASSIGNED TO JUDGE:	ANSWER/RESPONSE DATE
	APR 25 2018
DO NOT SEND JUDGE COURTESY COPY OF PETITION OR MOTION OR RESPONSE. STATUS MAY BE OBTAINED ONLINE AT <a href="http://COURT.CITY.PA.US">HTTP://COURT.CITY.PA.US</a>	
OFFICE OF JUDICIAL RECORDS	

Hassan

vs.

Unknown Occupants

## INDICATE NATURE OF DOCUMENT FILED:

- Petition (Attach Rule to Show Cause)  Motion  
 Answer to Petition  Response to Motion

## TYPE OF PETITION/MOTION (see list on reverse side)

motion for writ of possession

PETITION/MOTION CODE  
(see list on reverse side)  
MTWPS

## ANSWER/RESPONSE FILED TO (Please insert the title of the corresponding petition/motion to which you are responding):

## I. CASE PROGRAM

Is this case in the (answer all questions):

## A. COMMERCE PROGRAM

Name of Judicial Team Leader: \_\_\_\_\_

Applicable Petition/Motion Deadline: \_\_\_\_\_

Has deadline been previously extended by the Court?

- Yes  No

## B. DAY FORWARD/MAJOR JURY PROGRAM — Year \_\_\_\_\_

Name of Judicial Team Leader: \_\_\_\_\_

Applicable Petition/Motion Deadline: \_\_\_\_\_

Has deadline been previously extended by the Court?

- Yes  No

## C. NON JURY PROGRAM

Date Listed: ✓

## D. ARBITRATION PROGRAM

Arbitration Date: \_\_\_\_\_

## E. ARBITRATION APPEAL PROGRAM

Date Listed: \_\_\_\_\_

## F. OTHER PROGRAM:

Date Listed: \_\_\_\_\_

## II. PARTIES (required for proof of service)

(Name, address and telephone number of all counsel of record and unrepresented parties. Attach a stamped addressed envelope for each attorney of record and unrepresented party.)

Unknown Occupants  
146 S. 62 St.Philtz. PA 19139

309 BARKER AVE  
Lansdowne PA 19050  
HASSAN Abdelyem  
4845571337

## III. OTHER

By filing this document and signing below, the moving party certifies that this motion, petition, answer or response along with all documents filed, will be served upon all counsel and unrepresented parties as required by rules of Court (see PA.R.C.P. 206.6, Note to 208.2(a), and 440). Furthermore, moving party verifies that the answers made herein are true and correct and understands that sanctions may be imposed for inaccurate or incomplete answers.

2/1/18

(Attorney Signature/Unrepresented Party)

4/5/2018  
(Date)HASSAN Abdelyem  
(Print Name)

(Attorney I.D. No.)

The Petition, Motion and Answer or Response, if any, will be forwarded  
Answer/Response Date will be granted

Hassan Vs Unknown Occupants-MTWPS

ate. No extension of the



IN THE COURT OF COMMON PLEAS PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION - CIVIL

H25520  
Plaintiff/Petitioner : \_\_\_\_\_ Term, 20 \_\_\_\_\_  
v. : No. 180103400  
Unknown Occupants : Control No. **045073**  
Defendant/Respondent : \_\_\_\_\_

RULE

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, upon consideration of the foregoing Motion/Petition \_\_\_\_\_

\_\_\_\_\_, a RULE is hereby entered upon the Respondent to show cause why the relief requested therein should not be granted.

RULE RETURNABLE on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m., in Courtroom \_\_\_\_\_, City Hall, Philadelphia, PA 19107.

BY THE COURT:

\_\_\_\_\_  
J.

IN THE COURT OF COMMON PLEAS PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION - CIVIL

H2500

Plaintiff

v.

unknown occupants

Defendant

Term, 20

No. 180103400

Control No. 045073

ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, upon consideration of the Motion/Petition \_\_\_\_\_

\_\_\_\_\_, and any response thereto, it is ORDERED and DECREED that said Motion/Petition is \_\_\_\_\_

\_\_\_\_\_.

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION - CIVIL

Hassan

Plaintiff

v.

unknown occupants

Defendant

Term, 20

No. 180103400

**045073**

Control No.

motion for writ of possession

(Please fill in information below)

see attached

IN THE COURT OF COMMON PLEAS PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION – CIVIL

Hassan : \_\_\_\_\_ TERM, \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Plaintiff(s) : \_\_\_\_\_  
vs. \_\_\_\_\_ : No. 86103400  
unknown occupants : **045073**  
\_\_\_\_\_  
Defendant(s) : \_\_\_\_\_

**MOTION FOR WRIT OF POSSESSION**

1. On, 10/5/2017, Plaintiff became the record owner of the property located at 146 S. 2nd Street, Philadelphia, PA 19139 by virtue of a DEED recorded on 11/21/2017 at Document Identification Number 53294873. A true and correct copy of the DEED is attached hereto as Exhibit "A".
2. Plaintiff commenced this Civil Action in Ejectment by Complaint on 11/22/2018.
3. Service process/Affidavit of Service was made in accordance with PA. R.C.P. and/or Court Order for Alternative Service against the occupants of the Property.

4. Judgment by Default was entered of record on 4/5/2018  
against the occupants of the Property. A true and correct copy of the Plaintiff's Praecept  
to Enter Default Judgment is attached hereto as Exhibit "B" and made a part hereof.
5. With respect to enforcement of judgments in ejectment actions, PA. R.C.P. 3160  
provides (in pertinent part) the following: "[a] judgment for possession shall be enforced  
by a Writ of Possession substantially in the form provided by Rule 3254."
6. The Property continues to be occupied by individuals other than the legal owner,  
necessitating issuance of a Writ of Possession followed by scheduling of a lock-out.
7. Plaintiff has not permitted or authorized any individual to occupy the Property.

WHEREFORE, the Plaintiff respectfully requests that this Honorable Court enter an Order  
authorizing the issuance of a Writ of Possession of the real property situated at

146 S. 63rd Street, Philadelphia, PA 19139.

Respectfully submitted,

HASSAN ABDELJAWAD  
Print

Hassan C.  
Sign

Date: 1/5/18

VERIFICATION

I, HASSAN ABDEL KARIM, Plaintiff/Defendant, verify that the facts set forth in the foregoing are true and correct to the best of my information, knowledge and belief.

I understand that the statements contained herein are subject to the Penalties of 18 Pa.C.S.A., Section 4904 relating to unsworn falsification to authorities.

HASSAN ABDEL KARIM  
(Print Name)

LSP/C  
(Signature)

Date: 4-5-2018

CERTIFICATION OF SERVICE

I, HASSAN ABDEL QADER, hereby certify that a true and correct copy of the foregoing Motion/Petition and accompanying papers, was served on the below listed addresses by First-Class United States mail, postage pre-paid on \_\_\_\_\_ (date):

Name: Unknown occupants

Address: 146 S. 62nd street

Address: \_\_\_\_\_

City, State, Zip Code: Phila. PA 19139

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Date: 4-5-2018

By: Jafry S

## Know all Men by these Presents

*THAT I, Jewell Williams, Sheriff of the County of Philadelphia in the Commonwealth of Pennsylvania, for and in consideration of the sum of THIRTY THOUSAND AND XX / 100 [\$30,000.00] dollars, to me in hand paid, do hereby grant and convey to ABDELDAYEM HASSAN.*

### DESCRIPTION

BRT#: 031193800

Premises Being: 146 S 62ND ST, PHILADELPHIA, PA 19139-2928

SEE ATTACHED LEGAL DESCRIPTION

*The same having been sold, on the 5th day of October Anno Domini Two Thousand Seventeen, after due advertisement,  
according to the law, under and by virtue of a Writ of Execution/DECREE issued out of the Court of Common Pleas as of  
April Term, Two Thousand Fifteen Number T0192 as the suit of:*

CITY OF PHILADELPHIA

VS.

STANLEY ZALKIN AND ELEANOR ZALKIN

In witness whereof, I have hereunto affixed my signature this 9th day of November Anno Domini Two  
Thousand Seventeen.

SEALED AND DELIVERED  
IN THE PRESENCE OF:

Marilyn R. Franks

Marilyn R Franks (Nov 10, 2017)

Witness

Jewell Williams, SHERIFF

BY

Richard Tyer

Richard Tyer (Nov 10, 2017)

Witness

Inspector Richard Verrecchio

Inspector Richard Verrecchio (Nov 10, 2017)

Richard Verrecchio, Real Estate Inspector

Commonwealth of Pennsylvania

County of Philadelphia

On this, the 09 Nov 2017, before me, the undersigned Officer, personally appeared JEWELL WILLIAMS, BY HIS/HER REAL ESTATE INSPECTOR RICHARD VERRECCHIO, Sheriff of the County of Philadelphia, known to me (or satisfactorily proven) to be the person described in the foregoing instrument, and acknowledged that he/she executed the same in the capacity therein stated and for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and official seal.



Steven J. Wulko  
Steven J. Wulko (Nov 10, 2017)

Office of Judicial Records  
Steven J. Wulko, Deputy Director

**Deed = Poll**

Book No. 1707  
Writ No. 5002  
Control No.       

Jewell Williams, SHERIFF

TO

ABDELDAYEM HASSAN

CITY OF PHILADELPHIA

VS.

STANLEY ZALKIN AND ELEANOR ZALKIN

Apr. T. 2015

No. T0192

Premises:

146 S 62ND ST  
PHILADELPHIA, PA19139-2928

Sheriff of the County of Philadelphia  
Captain Richard Verrecchio  
Witness  
Real Estate/Settlement Dept.  
Land Title Building  
100 South Broad Street 5th Floor  
Philadelphia, PA19110

The Address of the within-named Grantee  
309 BARKER AVENUE  
LANSDOWNE, PA19050  
On behalf of the Grantee

Jewell Williams, SHERIFF  
Philadelphia Sheriff Office



**pennsylvania**  
DEPARTMENT OF REVENUE

Bureau of Individual Taxes  
PO BOX 280603  
Harrisburg, PA 17128-0603

**REALTY TRANSFER TAX  
STATEMENT OF VALUE**

See reverse for instructions.

53294873 Page 4 of RECORDER'S USE ONLY

State Tax Paid

Book Number

Page Number

Date Recorded

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is not set forth in the deed, (2) the deed is without consideration or by gift, or (3) a tax exemption is claimed. If more space is needed, please attach additional sheets. A Statement of Value (SOV) is not required if the transfer is wholly exempt from tax based on family relationship or public utility easement. However, it is recommended that a SOV accompany all documents filed for recording.

**A. CORRESPONDENT** - All inquiries may be directed to the following person:

Name <b>Sheriff of the County of Philadelphia</b>	Telephone Number <b>(215) 686-3530</b>
Mailing Address <b>Land Title Building 100 South Broad Street 5th Floor</b>	City <b>Philadelphia</b>
	State <b>PA</b> ZIP Code <b>19110</b>

**B. TRANSFER DATA**

Grantor(s)/Lessor(s) <b>Jewell Williams, Sheriff</b>	Grantee(s)/Lessee(s) <b>ABDELDAYEM HASSAN</b>
Mailing Address <b>Land Title Building 100 South Broad Street 5th Floor</b>	Mailing Address <b>309 BARKER AVENUE</b>
City <b>Philadelphia</b>	City <b>LANSDOWNE</b>
State <b>PA</b>	State <b>PA</b> ZIP Code <b>19050</b>

**C. REAL ESTATE LOCATION**

Street Address <b>146 S 62ND ST</b>	City, Township, Borough <b>PHILADELPHIA</b>
County <b>Philadelphia</b>	School District
	Tax Parcel Number <b>031193800</b>

**D. VALUATION DATA**

Was transaction part of an assignment or relocation? <input type="checkbox"/> Y <input type="checkbox"/> N		
1. Actual Cash Consideration <b>\$30,000.00</b>	2. Other Consideration <b>+ \$0.00</b>	3. Total Consideration <b>= \$30,000.00</b>
4. County Assessed Value <b>\$34,000.00</b>	5. Common Level Ratio Factor <b>x 1.01</b>	6. Computed Value <b>= \$34,340.00</b>

**E. EXEMPTION DATA** - Refer to instructions for exemption status.

1a. Amount of Exemption Claimed	1b. Percentage of Grantor's Interest in Real Estate	1c. Percentage of Grantor's Interest Conveyed
---------------------------------	---	---

**2. Check Appropriate Box Below for Exemption Claimed.**

- |   |                      |                      |
|---|----------------------|----------------------|
| <input type="checkbox"/> Will or intestate succession.  | (Name of Descendant) | (Estate File Number) |
| <input type="checkbox"/> Transfer to a trust. (Attach complete copy of trust agreement identifying all beneficiaries.)  |                      |                      |
| <input type="checkbox"/> Transfer from a trust. Date of transfer into trust _____<br>If trust was amended attach a copy of original and amended trust.  |                      |                      |
| <input type="checkbox"/> Transfer between principal and agent/straw party. (Attach complete copy of agency/straw party agreement.)  |                      |                      |
| <input type="checkbox"/> Transfers to the commonwealth, the U.S. and instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.) |                      |                      |
| <input type="checkbox"/> Transfer from mortgagor to a holder of a mortgage in default. (Attach copy of mortgage and note/assignment.)   |                      |                      |
| <input type="checkbox"/> Corrective or confirmatory deed. (Attach complete copy of the deed to be corrected or confirmed.)  |                      |                      |
| <input type="checkbox"/> Statutory corporate consolidation, merger or division. (Attach copy of articles.)  |                      |                      |
| <input type="checkbox"/> Other (Please explain exemption claimed.) _____  |                      |                      |

Under penalties of law or ordinance, I declare that I have examined this Statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Correspondent or Responsible Party

Tiffany Harrison

Date

11/09/2017

**FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH REQUESTED DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.**

53294873 Page 5 of 6 11/21/2017 05:01 PM

## **PHILADELPHIA REAL ESTATE TRANSFER TAX CERTIFICATION**

Complete each section and file in duplicate with Recorder of Deeds when (1) the full consideration/value is not set forth in the deed, (2) when the deed is with consideration or by gift, or (3) a tax exemption is claimed. If more space is needed, attach additional sheet(s).

**A CORRESPONDENT - All inquiries may be directed to the following person:**

NAME <b>Sheriff of the County of Philadelphia</b>			TELEPHONE NUMBER <b>(215) 686-3530</b>		
STREET ADDRESS <b>Land Title Building 100 South Broad Street 5th Floor</b>		CITY <b>Philadelphia</b>		STATE <b>PA</b>	ZIP CODE <b>19110</b>
B. TRANSFER DATA			DATE OF ACCEPTANCE OF DOCUMENT:		
GRANTOR(S)/LESSOR(S) <b>Jewell Williams, Sheriff</b>			GRANTEE(S)/LESSEE(S) <b>ABDEL DAYEM HASSAN</b>		
STREET ADDRESS <b>Land Title Building 100 South Broad Street 5th Floor</b>		STREET ADDRESS <b>309 BARKER AVENUE</b>			
CITY <b>Philadelphia</b>	STATE <b>PA</b>	ZIP CODE <b>19110</b>	CITY <b>LANSDOWNE</b>	STATE <b>PA</b>	ZIP CODE <b>19050</b>
C. PROPERTY LOCATION					
STREET ADDRESS <b>146 S 62ND ST</b>			CITY, TOWNSHIP, BOROUGH <b>PHILADELPHIA</b>		
COUNTY <b>PHILADELPHIA</b>		SCHOOL DISTRICT		TAX PARCEL NUMBER <b>031193800</b>	
D. VALUATION DATA					
1. ACTUAL CASH CONSIDERATION <b>\$30,000.00</b>		2. OTHER CONSIDERATION <b>+ \$0.00</b>		3. TOTAL CONSIDERATION <b>= \$30,000.00</b>	
4. COUNTY ASSESSED VALUE <b>\$34,000.00</b>		5. COMMON LEVEL RATIO FACTOR <b>X 1.01</b>		6. FAIR MARKET VALUE <b>= \$34,340.00</b>	
E. EXEMPTION DATA					
1A. AMOUNT OF EXEMPTION		1B. PERCENTAGE OF INTEREST CONVEYED			Transfer Tax: <b>\$1,407.94</b>

**2. Check Appropriate Box Below for Exemption Claimed**

- Will or intestate succession \_\_\_\_\_ (NAME OF DECEDENT) (ESTATE FILE NUMBER)

Transfer to Industrial Development Agency.

Transfer to agent or straw party. (Attach copy of agency/straw party agreement).

Transfer between principal and agent. (Attach copy of agency/straw trust agreement). Tax paid prior deed \$ \_\_\_\_\_

Transfer to the Commonwealth, the United States, and Instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (Attach copy of resolution).

Transfer from mortgagor to a holder of a mortgage in a default. Mortgage Book Number \_\_\_\_\_, Page Number \_\_\_\_\_  
Mortgagee (grantor) sold property to Mortgagor (grantee) (Attach copy of prior deed).

Corrective deed (Attach copy of the prior deed).

Other (Please explain exemption claimed, if other than listed above.) \_\_\_\_\_

*Under penalties of law or ordinance, I declare that I have examined this Statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.*

SIGNATURE OF CORRESPONDENT OR RESPONSIBLE PARTY	DATE
Tiffany Harrison	11/9/2017

53294873 Page 6 of 6 11/21/2017 05:01 PM

1703 - 5002

Legal Description

BRT/OPA #: 031193800

Assessed Legal Description: 139' 3" S OF SANSOM 15' 4" X 94' 5"

Abbreviated Legal Description: 15' 4" X 94' 5-7/8"

146 S 62ND ST

Actual Legal Description for Premises:

ALL THAT CERTAIN lot or piece of ground with the messuage or tenement thereon erected.

SITUATE on the West side of 62nd Street at the distance of 138 feet 3 inches Southward from the South side of Sansom Street.

CONTAINING in front or breadth on 62nd Street 15 feet 4 inches and extending of that width in length or depth Westwardly at right angles with 62nd Street 94 feet 5-7/8 inches to a certain 3 feet wide alley leading Northward and Southward between Sansom Street and Walnut Street.

BEING the same premises which Patricia Roberts Harris, Secretary of Housing and Urban Development, of Washington, D.C. by Deed dated 02/01/1978 and recorded 03/08/1978 at Philadelphia in Deed Book DCC 1603 - 269 granted and conveyed unto Stanley Zalkin and Eleanor, H/w in fee.

PRAEICE FOR WRIT OF POSSESSION

Commonwealth of Pennsylvania  
COUNTY OF PHILADELPHIA

HASSAN  
Plaintiff

COURT OF COMMON PLEAS

vs.

Term, 20

UNKNOWN OCCUPANTS  
Defendant

NO. 180103400

**Praeice for Writ of Possession**

**TO THE OFFICE OF JUDICIAL RECORDS:**

Issue Writ of Possession in the above matter, for possession of: (describe property)

146 S 62nd ST

Phila PA 190139

2018 MAY -7 PM 4:05  
OFFICE OF JUDICIAL RECORDS  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

*[Signature]*  
Attorney(s) for Plaintiff(s)

Hassan Vs Unknown Occupants-WRPOS

Ejectment Quiet Title



18010340000010

Form C.P. 109

Ejectment  
Quiet Title

Commonwealth of Pennsylvania  
County of Philadelphia

HASSAN

COURT OF COMMON PLEAS

vs. Unknown  
occupants

Term, 20 \_\_\_\_\_  
No. 180103460

**Writ of Possession**

To the Sheriff of Philadelphia County:

(1) To satisfy the judgment for possession in the above matter you are directed to deliver possession of the following described property to:

HASSAN Abd. Yer

(2) To satisfy the costs against

Unknown occupants

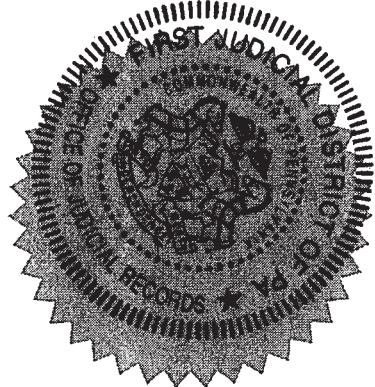
directed to levy upon any property of

146 S. 62nd St  
Phila & A 19139

you are

and sell

interest therein.



ERIC FEDER  
Director, Office of Judicial Records

By N. Janj  
Clerk

Date May 7, 2018

Court of Common Pleas

\_\_\_\_ Term, 20\_\_\_\_  
No. 180103400

HASSAN vs. UNKNOWN OCCUPANTS

WRIT OF POSSESSION

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION – CIVIL

HASAN : Case No. 180103400  
: Control No. 18045073  
v. :  
UNKNOWN OCCUPANTS :

ORDER

AND NOW, this 27<sup>th</sup> day of April, 2018, upon consideration of Plaintiff's Motion for Writ of Possession, it is hereby ORDERED that the Motion is GRANTED.

It is further ORDERED that the Office of Judicial Records for the First Judicial District is directed to issue a Writ of Possession for the real property located at 146 S. 62<sup>nd</sup> Street, Philadelphia, PA 19139 upon Praeclipe of Plaintiff.

BY THE COURT:

J.

RECEIVED  
APR 30 2018  
OFFICE OF JUDICIAL  
RECORDS

Hassan Vs Unknown Occup-ORDER



18010340000008

**Contact Details** bahiyan.beasley

**Contact Information** [Show Details](#)

Last Name / Company Name

Full Name: HASSAN  First: ABDELDAYEM Middle:  Suffix:

Alias / Heirs:

Notes:

All Case Contacts: ABDELDAYEM HASSAN - Third Party Buyer

Contact Category: Third Party Buyer   
Primary contact for this category

Mobile Phone: 610-818-5463  Has Warrant  Has Photo

Warning Notes: (Deputy Use Only)

**Address Information**

Line 1: 309 BARKER AVENUE

Line 2:

City: LANSDOWNE

State: Pennsylvania  Zip: 19050

County: Philadelphia  Municipality: Philadelphia City

Email:

Notes:

Address Category: Home   
Primary address for this contact   
Service address for this contact

Phone:  Fax:

Company Name:

Department:  Mail Stop:

Job Title:

Warning Notes: (Deputy Use Only)

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	Chapter 13
Lyndel Toppin,	:	
Debtor.	:	Bankruptcy No. 18-13098-MDC
<hr/>		
Lyndel Toppin,	:	
Plaintiff,	:	
v.	:	Adversary No. 18-00137-MDC
Jewell Williams, Sheriff of the City of Philadelphia :		
and Abdeldayem Hassan aka Abdelyem Hassan,		
Defendants.	:	
<hr/>		

**PRETRIAL SCHEDULING ORDER**

AND NOW, this 3<sup>rd</sup> day of January, 2019, the plaintiff having filed an adversary proceeding and the defendants having filed a responsive pleading, it is hereby **ORDERED** that:

1. On or before **January 24, 2019**, the parties shall comply with Fed. R. Bankr. P. 7007.1, if the rule is applicable thereto, and the required disclosure statement has not yet been filed.
2. On or before **January 24, 2019**, the parties shall submit to chambers a joint statement indicating whether they consent to participate in the court-annexed mediation program. The joint statement may include up to three suggested mediators from the list of certified mediators, which list may be obtained from the Clerk. If the joint statement contains no suggested mediator(s), then the Court will choose one.
3. On or before **January 24, 2019**, counsel shall have held and concluded the mandatory discovery conference pursuant to Fed. R. Civ. P. 26(f), incorporated into these proceedings by Fed. R. Bankr. P. 7026. During said conference, the parties shall consider, as

part of their deliberations on how to proceed with discovery (including electronic discovery), the discovery and pretrial schedule detailed in paragraph 6 below in this Order.

4. **Within fourteen days of the conclusion of the parties' discovery conference,** should the parties propose a discovery or pretrial schedule that *differs from the one below*, they shall file with the Bankruptcy Court a report on discovery as mandated by Fed. R. Civ. P. 26(f). The parties shall detail those differences in their Rule 26(f) report, along with the reasons therefore. The Court may, when appropriate, order a hearing based upon the information found in the Rule 26(f) report. If the parties are in agreement with the discovery schedule as outlined herein, no report need be filed unless there are objections to the initial discovery disclosures.

5. **Within fourteen days after the conclusion of the Rule 26(f) conference,** the parties shall provide the initial disclosures detailed in Fed. R. Civ. P. 26(a)(1). Any objections to the initial discovery disclosures required by Fed. R. Civ. P. 26(a)(1) shall be clearly raised in a Rule 26(f) report.

6. The following discovery and pretrial schedule shall be considered by the parties in their deliberations at their discovery conference:

- A. All discovery shall be completed on or before **April 3, 2019**.
- B. All expert witnesses shall be identified and a copy of each expert's report shall be provided to every other party, in accordance with Fed. R. Civ. P. 26(a)(2) on or before **March 4, 2019**.
- C. All motions to amend the pleadings or for summary judgment shall be filed on or before **May 3, 2019**.
- D. All discovery disclosures pursuant to Fed. R. Civ. P. 26(a)(3) shall be served on opposing parties and filed with the bankruptcy court on or before **May 17, 2019**.
- E. Any objections to the Rule 26(a)(3) disclosures shall be served on opposing parties and filed with the bankruptcy court on or before **May 31, 2019**.

F. On or before **June 30, 2019**, the parties shall file a joint pretrial statement consistent with the form set forth in paragraph 7 below and file a copy with chambers. The joint pretrial statement shall be signed by all counsel. It is the obligation of the plaintiff's counsel to initiate, assemble and submit the proposed pretrial statement. Plaintiff's counsel shall submit a proposed joint pretrial statement to defendant's counsel not less than 7 days prior to the deadline for its submission.

Counsel are expected to make a diligent effort to prepare a proposed pretrial statement in which will be noted all of the issues on which the parties are in agreement and all of those issues on which they disagree. The proposed pretrial statement shall supersede all pleadings in the case. Amendments will be allowed only in exceptional circumstances and to prevent manifest injustice.

G. All motions *in limine* shall be filed on or before **June 30, 2019**.

7. The joint pretrial statement shall be in the following form:

- A. Basis of jurisdiction. A statement setting forth the basis of jurisdiction and whether the matter is core or noncore. If the matter is noncore, the parties shall state whether they consent to the Court's entry of a final order pursuant to 28 U.S.C. § 157(c)(2). If the parties disagree, they shall each cite to relevant authority to support their positions.
- B. Statement of uncontested facts. A statement of the uncontested facts.
- C. Statement of facts which are in dispute. A statement of the facts in dispute. No facts should be disputed unless opposing counsel expects to present contrary evidence on the point at trial, or genuinely challenges the fact on credibility grounds.
- D. Damages or other relief. A statement of damages claimed or relief sought. A party seeking damages shall provide, for each cause of action being pursued: (a) a detailed description of each item of damages claimed; (b) the legal authority for such damages and (c) the specific amount of damages claimed. A party seeking relief other than damages shall, for each cause of action being pursued, list the exact form of relief sought with precise designation of persons, parties, places and things expected to be included in any order for relief and the legal authority for such relief.
- E. Legal issues. For the causes of action being pursued, identify the following: (i) the constitutional, statutory, regulatory and decisional authorities being relied upon for each cause of action; (ii) the elements which must be satisfied to prevail on each cause of action; and (iii) which party bears the burden of proof on each element. Also list any additional legal issues (*e.g.*, affirmative defenses) that will be relevant to the court's

disposition of the matter, the authority pertinent to each legal issue, and the party which bears the burden on the issue.

- F. Witnesses. A list of witnesses in the order in which they will be called, along with a brief statement of the evidence the witness will give. Witnesses shall be classified between those whom any party expected to present and those whom any party may call if the need arises. If not already provided to all parties, the address and telephone number of each witness shall be disclosed.
- G. A list of all exhibits. A list of all exhibits to be offered into evidence which shall be serially numbered and physically marked before trial in accordance with the schedule. Documents which a party may offer if the need arises shall be separately identified.
- H. A list of each discovery item and trial deposition. A list of each discovery item and trial deposition to be offered into evidence. Counsel shall designate by page portion of deposition testimony and by number the interrogatories/request for admissions which shall be offered into evidence.
- I. Estimated trial time and scheduling issues. A statement of: (i) the estimated time which the trial will require; and (2) any issues that should be considered in setting a trial date (e.g. witnesses traveling from out-of-state who will need notice of the trial date to make their travel plans).
- J. Certification. A certification that the parties have attempted good faith settlement discussions without success.

8. A mandatory pretrial/settlement conference shall be held on **July 17, 2019, at 11:00 a.m., in Bankruptcy Courtroom No. 2, Robert N.C. Nix Federal Building & Courthouse, 900 Market Street, 2nd Floor, Philadelphia, Pennsylvania.**

9. If the adversary proceeding is not resolved prior to the conclusion of the final pretrial/settlement conferences, the adversary proceeding shall be set down for trial at the Court's first available trial date. The trial may be continued only in exceptional circumstances on motion to and leave of Court.

10. Seven (7) or more days prior to the date of the trial, each party is required to provide: (i) a copy of exhibits to the opposing parties; and (ii) two copies of exhibits to

chambers.

11. The Court may require each party to file (and, if not directed by the Court, each party may choose to file), five (5) days prior to the date of the trial, a pretrial memorandum with service on the opposing party and a courtesy copy delivered to chambers.

*Magdalene D. Coleman*

---

MAGDELINE D. COLEMAN  
UNITED STATES BANKRUPTCY JUDGE

Stephen M. Dunne, Esquire  
Dunne Law Offices, P.C.  
1515 Market Street, Suite 1200  
Philadelphia, PA 19102

Megan N. Harper, Esquire  
City of Philadelphia  
Law/Revenue Department  
Municipal Service Building  
1401 John F. Kennedy Boulevard, Room 580  
Philadelphia, PA 19102-1595

David M. Offen, Esquire  
The Curtis Center  
601 Walnut Street, Suite 160 West  
Philadelphia, PA 19106

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**In re:**

**Lyndel Toppin** : **Chapter 13**  
**Debtor.** :  
: **Bankruptcy No. 18-13098-MDC**

---

**Lyndel Toppin** :  
**Plaintiff.** :  
v. : **Adversary No. 18-00137-MDC**  
: :  
**Jewell Williams, Sheriff of the City of Philadelphia** :  
**and Abdeldayem Hassan a/k/a Abdeldyem Hassan** :  
: :  
**Defendants.** :

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**PRETRIAL SCHEDULING ORDER**

**AND NOW**, this day of February 4, 2019, the Plaintiff, Lyndel Toppin and the Defendants, Jewel Williams and Abdeldayem Hassan, by and through their undersigned attorneys, respectfully submit this Joint Pretrial Schedule. The dates set forth in following Joint Pretrial Schedule differ from the Court's Pretrial Scheduling Order (ECF # 42) by sixty (60) days to accommodate the arrival of debtor's counsel's baby in/around March 15, 2019 and his intention take paternity leave to spend some quality tummy time with his new baby.

The parties submit the following Joint Pretrial Schedule:

- A. All discovery shall be completed on or before **June 2, 2019**.
- B. All expert witnesses shall be identified and a copy of each expert's report shall be provided to every other party, in accordance with Fed. R. Civ. P. 26(a)(2) on or before **May 3, 2019**.
- C. All motions to amend the pleadings or for summary judgment shall be filed on or before **July 2, 2019**.
- D. All discovery disclosures pursuant to Fed. R. Civ. P. 26(a)(3) shall be served on opposing parties and filed with the bankruptcy court on or before **July 16, 2019**.

- E. Any objections to the Rule 26(a)(3) disclosures shall be served on opposing parties and filed with the bankruptcy court on or before **July 30, 2019.**
- F. On or before **August 29, 2019**, the parties shall file a joint pretrial statement consistent with the form set forth in paragraph 7 below and file a copy with chambers. The joint pretrial statement shall be signed by all counsel. It is the obligation of the plaintiff's counsel to initiate, assemble and submit the proposed pretrial statement. Plaintiff's counsel shall submit a proposed joint pretrial statement to defendant's counsel not less than 7 days prior to the deadline for its submission. Counsel are expected to make a diligent effort to prepare a proposed pretrial statement in which will be noted all of the issues on which the parties are in agreement and all of those issues on which they disagree. The proposed pretrial statement shall supersede all pleadings in the case. Amendments will be allowed only in exceptional circumstances and to prevent manifest injustice.
- G. All motions in limine shall be filed on or before **August 29, 2019.**
- H. A mandatory pretrial/settlement conference shall be held on **September 18, 2019 at 11.00 a.m.**, in Bankruptcy Courtroom No. 2, Robert N.C. Nix Federal Building & Courthouse, 900 Market Street, 2nd Floor, Philadelphia, Pennsylvania.

So Ordered,

*Magdelene D. Coleman*

---

MAGDELINE D. COLEMAN  
UNITED STATES BANKRUPTCY JUDGE

Stephen M. Dunne, Esquire  
1515 Market Street, Suite 1200  
Philadelphia, PA 19102

Megan N. Harper, Esquire  
City of Philadelphia  
1401 John K. Kennedy Boulevard, Room 580  
Philadelphia, PA 19102

David M. Offen, Esquire  
601 Walnut Street, Suite 160  
Philadelphia, PA 19106

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**In re:**

**Lyndel Toppin** : **Chapter 13**  
**Debtor.** :  
: **Bankruptcy No. 18-13098-MDC**

---

**Lyndel Toppin** :  
**Plaintiff.** :  
v. : **Adversary No. 18-00137-MDC**  
: :  
**Jewell Williams, Sheriff of the City of Philadelphia** :  
**and Abdeldayem Hassan a/k/a Abdeldyem Hassan** :  
: :  
**Defendants.** :

---

**PRETRIAL SCHEDULING ORDER**

**AND NOW**, this day of July 18, 2019, the Plaintiff, Lyndel Toppin and the Defendants, Jewel Williams and Abdeldayem Hassan, by and through their undersigned attorneys, respectfully submit this Joint Pretrial Schedule. The dates set forth in following Joint Pretrial Schedule differ from the Court's Pretrial Scheduling Order (ECF # 46):

The parties submit the following Joint Pretrial Schedule:

- A. All discovery shall be completed on or before **November 26, 2019**.
- B. All expert witnesses shall be identified and a copy of each expert's report shall be provided to every other party, in accordance with Fed. R. Civ. P. 26(a)(2) on or before **October 25, 2019**.
- C. All motions to amend the pleadings or for summary judgment shall be filed on or before **December 26, 2019**.
- D. All discovery disclosures pursuant to Fed. R. Civ. P. 26(a)(3) shall be served on opposing parties and filed with the bankruptcy court on or before **January 16, 2020**.

- E. Any objections to the Rule 26(a)(3) disclosures shall be served on opposing parties and filed with the bankruptcy court on or before **January 3, 2020.**
- F. On or before **February 28, 2020** the parties shall file a joint pretrial statement consistent with the form set forth in paragraph 7 below and file a copy with chambers. The joint pretrial statement shall be signed by all counsel. It is the obligation of the plaintiff's counsel to initiate, assemble and submit the proposed pretrial statement. Plaintiff's counsel shall submit a proposed joint pretrial statement to defendant's counsel not less than 7 days prior to the deadline for its submission. Counsel are expected to make a diligent effort to prepare a proposed pretrial statement in which will be noted all of the issues on which the parties are in agreement and all of those issues on which they disagree. The proposed pretrial statement shall supersede all pleadings in the case. Amendments will be allowed only in exceptional circumstances and to prevent manifest injustice.
- G. All motions in limine shall be filed on or before **February 28, 2020.**
- H. A mandatory pretrial/settlement conference shall be held on **March 25, 2020 at 11.00 a.m.**, in Bankruptcy Courtroom No. 2, Robert N.C. Nix Federal Building & Courthouse, 900 Market Street, 2nd Floor, Philadelphia, Pennsylvania.

So Ordered,



MAGDELINE D. COLEMAN

CHIEF UNITED STATES BANKRUPTCY JUDGE

Stephen M. Dunne, Esquire  
1515 Market Street, Suite 1200  
Philadelphia, PA 19102

Megan N. Harper, Esquire  
City of Philadelphia  
1401 John K. Kennedy Boulevard, Room 580  
Philadelphia, PA 19102

David M. Offen, Esquire  
601 Walnut Street, Suite 160  
Philadelphia, PA 19106

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

-----x  
In re: :  
LYNDEL TOPPIN, : Chapter 13  
Debtor. : Bankruptcy No. 18-13098 (MDC)  
-----x  
-----x  
LYNDEL TOPPIN, :  
Plaintiff, : Adv. Pro. No. 18-00137 (MDC)  
v. :  
JEWELL WILLIAMS SHERIFF :  
OF THE CITY OF PHILADELPHIA and :  
ABDELDAYEM HASSAN a/k/a :  
ABDELDYEM HASSAN, :  
Defendant :  
-----x

**THE SHERIFF OF THE CITY OF PHILADELPHIA'S  
MOTION FOR SUMMARY JUDGMENT**

Defendant, Jewell Williams, Sheriff of the City of Philadelphia (the "Sheriff"), by and through his undersigned counsel, submits this Motion for Summary Judgement and in support thereof avers the following:

1. Plaintiff, Lyndel Toppin (the "Plaintiff"), commenced this Adversary Proceeding against the Sheriff and co-defendant Abdeldayem Hassan alleging willful violations of the automatic stay under Section 362(a) of Chapter 11 of title 11 of the United States Code § 101, et seq. (the "Bankruptcy Code") for post-petition enforcement of a writ of possession against unknown occupants at 146 S. 62<sup>nd</sup> Street, Philadelphia, Pennsylvania.

2. According to the Plaintiff, execution of the writ was: 1) the commencement or continuation of a judicial proceeding; 2) the enforcement of a judgment against the Debtor or

property of the estate, and; 3) an act to obtain possession of property of the estate or property from the estate. *See* Debtor's Second Amended Complaint Concerning Willful Violations of the Automatic Stay by Defendants Sheriff of the City of Philadelphia and Abdeldayem Hassan a/k/a Abdeldyem Hassan (the "Complaint") [Docket No. 29] at p. 2.

3. The Plaintiff seeks damages including emotional distress and punitive damages, costs and attorney's fees pursuant to Section 362(k) of the Bankruptcy Code. *See* Complaint, pp. 10-12.

4. The Complaint's allegations of liability against the Sheriff are unsupported by fact or law.

5. As set forth more fully in the City's Memorandum of Law in Support of Summary Judgment, the Sheriff is entitled to quasi-judicial immunity for conduct in execution of an order of court.

6. In addition, executing the writ was a ministerial act that is not subject to the Bankruptcy Code's automatic stay.

7. To the extent the Court is not inclined to grant summary judgement in the Sheriff's favor and dismiss the Complaint entirely, the Sheriff is entitled to partial summary judgment with respect to damages.

8. Emotional distress damages cannot be awarded against the Sheriff pursuant to 11 U.S.C. § 106(a)(5) and the Pennsylvania Political Subdivision Tort Claims Act, 42 Pa.C.S.A. §8541, et seq.

9. Nor does the Sheriff's alleged conduct rise to a level such that Plaintiff could recover damages for emotional distress in this case. Plaintiff only generally averred as to the

nature of his emotional injuries and has not produced any medical evidence to corroborate the harm or to establish a causal connection to the Sheriff's actions.

10. Lastly, Plaintiff may not seek punitive damages against the Sheriff pursuant to 11 U.S.C. § 106(a)(3).

11. The Sheriff is entitled to summary judgment in his favor for the reasons set forth herein and as more fully set forth in the Memorandum of Law.

WHEREFORE, the Sheriff respectfully requests that the Court grant summary judgment in his favor, dismiss the Complaint with prejudice and grant such other and further relief as this Court deems appropriate.

Respectfully submitted,

THE CITY OF PHILADELPHIA

Dated: December 26, 2019

By: /s/ Megan N. Harper  
MEGAN N. HARPER  
Deputy City Solicitor  
PA Attorney I.D. 81669  
Attorney for the City of Philadelphia  
City of Philadelphia Law Department  
Municipal Services Building  
1401 JFK Boulevard, 5<sup>th</sup> Floor  
Philadelphia, PA 19102-1595  
215-686-0503 (phone)  
Email: Megan.Harper@phila.gov

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

-----x  
In re: :  
LYNDEL TOPPIN, : Chapter 13  
Debtor. : Bankruptcy No. 18-13098 (MDC)  
-----x  
-----x  
LYNDEL TOPPIN, :  
Plaintiff, : Adv. Pro. No. 18-00137 (MDC)  
v. :  
JEWELL WILLIAMS SHERIFF :  
OF THE CITY OF PHILADELPHIA and :  
ABDELDAYEM HASSAN a/k/a :  
ABDELDYEM HASSAN, :  
Defendant :  
-----x

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2020, upon consideration of The Sheriff of the City of Philadelphia's Motion for Summary Judgment ("Motion") and Memorandum of Law in Support of Summary Judgment, and any response thereto, it is hereby ORDERED that the Motion is GRANTED and the Complaint is hereby DISMISSED with prejudice.

BY THE COURT:

---

MAGDELINE D. COLEMAN  
CHIEF JUDGE, U.S. BANKRUPTCY COURT

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

-----X  
In re: :  
LYNDEL TOPPIN, : Chapter 13  
Debtor. : Bankruptcy No. 18-13098 (MDC)  
-----X  
-----X  
LYNDEL TOPPIN, :  
Plaintiff, : Adv. Pro. No. 18-00137 (MDC)  
v. :  
JEWELL WILLIAMS SHERIFF :  
OF THE CITY OF PHILADELPHIA and :  
ABDELDAYEM HASSAN a/k/a :  
ABDELDYEM HASSAN, :  
Defendant :  
-----X

**CERTIFICATE OF SERVICE**

I, Megan N. Harper, do certify that on December 26, 2019, I caused a true and correct copy of the Sheriff of the City of Philadelphia's Motion for Summary Judgment and Memorandum of Law in Support thereof to be served via CM/ECF and by U.S. First Class Mail, postage prepaid, upon the parties listed below:

Stephen M. Dunne, Esquire  
515 Market Street  
Suite 1200  
Philadelphia, PA 19102

Predrag Filipovic, Esq.  
BNY Mellon Center  
1735 Market Street  
Suite 3750  
Philadelphia, PA 19103

David M. Offen, Esquire  
The Curtis Center  
601 Walnut Street  
Philadelphia, PA 19106

THE CITY OF PHILADELPHIA

Dated: December 26, 2019

By: /s/ Megan N. Harper  
MEGAN N. HARPER  
Deputy City Solicitor  
PA Attorney I.D. 81669  
City of Philadelphia Law Department  
Municipal Services Building  
1401 JFK Boulevard, 5<sup>th</sup> Floor  
Philadelphia, PA 19102-1595  
215-686-0503 (phone)  
Email: [Megan.Harper@phila.gov](mailto:Megan.Harper@phila.gov)

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

-----x  
In re: :  
LYNDEL TOPPIN, : Chapter 13  
Debtor. : Bankruptcy No. 18-13098 (MDC)  
-----x  
-----x  
LYNDEL TOPPIN, :  
Plaintiff, : Adv. Pro. No. 18-00137 (MDC)  
v. :  
JEWELL WILLIAMS SHERIFF :  
OF THE CITY OF PHILADELPHIA and :  
ABDELDAYEM HASSAN a/k/a :  
ABDELDYEM HASSAN, :  
Defendant :  
-----x

**THE SHERIFF OF THE CITY OF PHILADELPHIA'S MEMORANDUM OF LAW  
IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

Jewell Williams, Sheriff of the City of Philadelphia (the “Sheriff”), by and through his Counsel, Megan N. Harper, Deputy City Solicitor, hereby files the following Memorandum of Law in Support of Motion for Summary Judgment.

**I. FACTUAL AND PROCEDURAL BACKGROUND**

1. On October 05, 2017, 146 South 62nd Street, Philadelphia, PA 19139 (the “Property”) was sold pursuant to a lawful sheriff’s sale for delinquent taxes. A true and correct copy of the Civil Docket Report from the Philadelphia Court of Common Pleas case number 1504T0192 is attached hereto as Exhibit “A.”

2. At all times relevant hereto, public records identified the property owners as Eleanor and Stanley Zalkin. *See* Ex. A.

3. Defendant Abdeldayem Hassan a/k/a Abdeldyem Hassan (“Defendant Hassan”) was the winning bidder at the sale. *See Ex. A.*

4. On November 21, 2017, the Office of the Sheriff of Philadelphia recorded the deed from the Zalkins to Mr. Hassan. A true and correct copy of the Sheriff’s Deed for the Property is attached hereto as Exhibit “B.”

5. On January 22, 2018, Defendant Hassan filed an ejectment action in the Philadelphia Court of Common Pleas against “Unknown Occupants” of the Property. A true and correct copy of the Civil Docket Report from the Philadelphia Court of Common Pleas docket 180103400 is attached hereto as Exhibit “C.”

6. On April 05, 2018, Defendant Hassan received a default judgment and filed a Motion for Writ of Possession against Unknown Occupants, which was granted on April 30, 2018. *See Ex. C.*

7. The court’s Order dated April 30, 2018 directed the Office of Judicial Records to issue a Writ of Possession upon Praeclipe of Plaintiff. *See Ex. C.*

8. Defendant Hassan filed the Praeclipe and the court issued the Writ of Possession against Unknown Occupants for the Property on May 07, 2018. True and correct copies of the Praeclipe and Writ of Possession are attached hereto as Exhibit “D.”

9. On May 8, 2018, on or around 3:52 PM, Defendant Hassan brought the Writ of Possession to the Civil Enforcement Unit of the Sheriff’s Office for enforcement against Unknown Occupants. A true and correct copy of the Writ of Possession from the Civil Enforcement Unit of the Sheriff’s Office is attached hereto as Exhibit “E.”

10. Later that day, at 6:04 PM, Lyndel Toppin (“Plaintiff”) filed a voluntary Chapter 13 bankruptcy petition with this Court, case number 18-13098. *See Plaintiff’s Second Amended*

Complaint Concerning Willful Violations of the Automatic Stay by Defendants Sheriff of the City of Philadelphia and Abdeldayem Hassan a/k/a Abdeldyem Hassan (“Compl.”) [Docket No. 29] at ¶ 33.

11. On or around May 08, 2018, at 10:25 PM, the Real Estate Unit received a fax with the subject line “Notice of Bankruptcy Case Filing – Book/Writ 1707-5002.<sup>1</sup>” A true and correct copy of the fax of Notice of Bankruptcy dated May 08, 2018 is attached hereto as Exhibit “F.”

12. The Notice of Bankruptcy was noted on May 09, 2018, on the Sheriff’s Return of Service pertaining to the sheriff sale action of the same Book/Writ number. A true and correct copy of the Sheriff’s Return of Service for Court of Common Pleas case number 1504T0192 is attached hereto as Exhibit “G.”

13. However, it is the Civil Enforcement Unit of the Sheriff’s Office, which is distinct from the Real Estate Unit, that is tasked primarily with enforcing civil complaints, which includes enforcing Writs of Possession, executing pursuant to court orders, and enforcing injunctions. A true and correct copy of the deposition of Deputy Sheriff Lieutenant Sean Thornton, 9:1–6, Dec. 12, 2019, is attached hereto as Exhibit “H.”

14. The sheriffs of the Civil Enforcement Unit are trained to cease all operations, including any actions on complaints or writs, when the Unit is notified of a bankruptcy stay. Ex. H 12:22–13:4, 14:10–15:9; and a true and correct copy of the deposition of Deputy Sheriff Jetaria Taylor, 32:12–33:9, Dec. 12, 2019, is attached hereto as Exhibit “I.”

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<sup>1</sup> The Book/Writ Number 1701-5002 is related to the Sheriff’s sale proceeding, docketed in the Philadelphia Court of Common Pleas under case number 1504T0192 and attached here as Ex. A. This is not connected to the Writ of Possession, docketed in the Philadelphia Court of Common Pleas under case number 180103400, and attached here as Ex. D.

15. The Civil Enforcement Unit of the Sheriff's Office, however, was unaware that a Bankruptcy had been filed at this time. Ex. I 30:6–31:14, 32:4–11.

16. The Civil Enforcement Unit cannot view information related to the sheriff sale proceeding held by the Real Estate Unit in the Sheriff's database system. Ex. I 30:16–31:14, 32:4–11.

17. The Civil Enforcement Unit may receive notice about a bankruptcy from another part of the Sheriff's Office if it's clear that it's related to an eviction or the work of the Civil Enforcement Unit. Ex. I 32:4–11.

18. On or about May 10, 2018, Deputy Sheriff Jetaria Taylor ("Deputy Taylor") went out to the Property to personally serve the Notice to Vacate the premises. A true and correct copy of the Service Event Report dated May 10, 2018 is attached hereto as Exhibit "J."

19. When she was unable to effectuate personal service, pursuant to Unit policy, she posted the notice to the front door, left a copy of the notice in the mail slot at the Property, and mailed a copy of the notice through regular mail. Ex. I 9:14–18, 14:1–9; Ex. H 57:21–58:11.

20. On May 31, 2018, a Certificate of Notice was filed in this case which indicates the Bankruptcy Noticing Center mailed a notice of the Plaintiff's bankruptcy case to the Philadelphia Sheriff's Office at 100 S. Broad Street, 5th Floor, Philadelphia, PA 19110, and provided electronic notice to the City of Philadelphia Law Department at [bankruptcy@phila.gov](mailto:bankruptcy@phila.gov). A true and correct copy of the BNC Certificate of Notice, 18-13098, ECF No. 12, is attached hereto as Exhibit "K."

21. On June 01, 2018, Deputy Taylor returned to the Property to personally serve the Eviction Notice. Ex. I 18:21–24.

22. When she was unable to effectuate personal service again, pursuant to Unit policy, she posted the notice to the front door, left a copy of the notice in the mail slot at the Property, and mailed a copy of the notice through regular mail. Ex. I 9:14–18, 14:1–9; Ex. H 57:21–58:11.

23. On or around June 07, 2018, the Civil Enforcement Unit received a fax advising that Lyndel Toppin filed a Chapter 13 bankruptcy case on May 08, 2018. A true and correct copy of the fax of Notice of Bankruptcy dated June 07, 2018 is attached hereto as Exhibit “L.”

24. The Sheriff’s Office noted the bankruptcy on the Writ of Possession, *see* Ex. E, in the book where the future eviction for the Property was logged, a true and correct copy of the possession log book is attached hereto as Exhibit “M,” and in the JEWELL database system used by the Civil Enforcement Unit. A true and correct copy of the Service Event Report dated June 25, 2018 is attached hereto as Exhibit “N.”

25. At that time, all activity to enforce the Writ of Possession was halted.

26. On June 11, 2018, the Plaintiff filed this adversary proceeding against Defendant Hassan and the Sheriff of the City of Philadelphia.

27. Plaintiff alleges that their counsel attempted to notify the Sheriff’s Office on various occasions from May 8, 2018 to June 7, 2018, Compl. ¶¶ 35–41, 43–45, but that the Sheriff of Philadelphia continued to employ process to execute on the Writ of Possession on no less than six (6) separate occasions after the bankruptcy was filed. Compl. ¶ 47. Plaintiff alleges that, due to the Sheriff’s and Defendant Hassan’s enforcement activity, the Plaintiff has been harmed. Compl. ¶ 64.

28. Plaintiff now asks this court to find that the Sheriff willfully violated the automatic stay, Compl. ¶¶ 65–66; to find that the Sheriff is in contempt of this Court by violating

the automatic stay, Compl. ¶ 67; to issue a declaratory judgment and an injunction against the Sheriff, *Id.*; and lastly to award personal and emotional injuries as actual damages, attorneys fees and expenses, punitive damages, and pre- and post-judgment interest. Compl. ¶ 68.

## **II. SUMMARY JUDGMENT STANDARD**

The court shall render summary judgment “if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). An issue is “genuine” only if there is a sufficient evidentiary basis on which a reasonable jury could find for the non-moving party. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 249 (1986). A factual dispute is “material” if it might affect the outcome of the suit under governing law. *See id.* All inferences must be drawn, and all doubts resolved, in favor of the nonmoving party, here, the Plaintiff. *See United States v. Diebold, Inc.*, 369 U.S. 654, 655 (1962); *Gans v. Mundy*, 762 F.2d 338, 341 (3d Cir. 1985).

On motion for summary judgment, the moving party bears the initial burden of identifying those portions of the record that he or she believes demonstrate the absence of material fact disputes. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). To defeat summary judgment, the non-moving party must respond with facts of record that contradict the facts identified by the moving party and may not rest on mere denials. *See id.* at 321, n.3; *First Nat'l Bank of Pa. v. Lincoln Nat'l Life Ins. Co.*, 824 F.2d 277, 282 (3d Cir. 1987). In a case where the non-moving party is the plaintiff and therefore bears the burden of proof, the non-moving party must, by affidavits or by the depositions and admissions on file, “make a showing sufficient to establish the existence of [every] element essential to that party’s case.” *Celotex*, 477 U.S. at 322-24. The non-moving party must adduce more than a mere scintilla of evidence in its favor to defeat the moving party’s summary judgment motion. *See Williams v. Borough of West Chester, Pa.*, 891 F.2d 458, 460 (3d Cir. 1989).

Although all justifiable inferences must be drawn in favor of the non-moving party, the “moving party is entitled to summary judgment where no reasonable resolution of conflicting evidence and inferences therefrom could result in a judgment for the non-moving party.” *Schwartz v. Hospital of Univ. of Pa.*, 1993 WL 153810 at \*2 (E.D. Pa. May 7, 1993). With respect to an issue on which the non-moving party has the burden of proof, the burden on the moving party may be discharged by pointing out to the court that there is an absence of evidence to support the nonmoving party’s case. *Celotex*, 477 U.S. at 325.

### **III. ARGUMENT**

#### **A. The Sheriff is Entitled to Quasi-Judicial Immunity**

The Sheriff cannot be held liable for violating the automatic stay provision at Section 362(a) of the Bankruptcy Code because the Sheriff is entitled to quasi-judicial immunity. It is well settled that judicial officers are immune from damage suits arising out of their official duties. *Stump v. Sparkman*, 435 U.S. 349, 98 S.Ct. 1099, 55 L.Ed.2d 331 (1978); *Figueroa v. Blackburn*, 208 F.3d 435, 440 (3d Cir.2000). The doctrine of quasi-judicial immunity extends absolute immunity to persons executing valid court orders from civil actions for damages challenging conduct authorized by the order. See *Coverdell v. The Department of Social and Health Services, State of Washington*, 834 F.2d 758, 764-765 (9th Cir. 1987); see also *Gallas v. Supreme Court of Pennsylvania*, 211 F.3d 760, 772–73 (3d Cir. 2000).

The rational for immunizing persons who execute court orders is apparent. Such persons are themselves ‘integral parts of the judicial process.’ *Briscoe v. LaHue*, 460 U.S. 325, 355, 103 S.Ct. 1108, 1116, 75 L.Ed.2d 96 (1983). The fearless and unhesitating execution of court orders is essential if the court’s authority and ability to function are to remain uncompromised.

*Coverdell*, 834 F.2d at 765. The application of quasi-judicial immunity to any public official acting pursuant to court directive is based on a well-grounded principle that those who are

required to follow the instructions of a court have no discretion but to obey the order and mandate of the court. *Lockhart v. Hoenstine*, 411 F.2d 455, 460 (3d Cir. 1969). Thus, the Sheriff, in executing the writ against unknown occupants at the Property, was performing a ministerial function, without discretion, at the direction of the judge and is entitled to immunity. *Waits v. McGowan*, 516 F.2d 203, 206 (3d Cir. 1975).

In Pennsylvania, a sheriff's only duties established by statute are court-related functions. The Pennsylvania Constitution provides that sheriffs are county officers. Pa. Const. Art. IX, § 4. Although the Constitution establishes the office, it does not describe the duties of a sheriff. *Kopko v. Miller*, 892 A.2d 766, 770–71 (Pa. 2006). While the sheriff's power at common law was formidable, other institutions, including modern law enforcement agencies, have greatly diminished the authority of the sheriff's office. *Com. v. Leet*, 585 A.2d 1033, 1037 (Pa. Super. 1991) (citations omitted). “Today, the sheriff's principal function is as an arm of the court, which is the duty specifically assigned to the office of sheriff by the legislature.” *Com. v. Leet*, 585 A.2d at 1037. A sheriff is mandated to “serve process and execute orders directed to him pursuant to the law.” 42 Pa.C.S.A. § 2921; *Kopko v. Miller*, 892 A.2d at 772; *Commonwealth v. Copenhaver*, 200 A.3d 956, 960–61 (Pa. Super. 2018), *appeal granted*, 215 A.3d 970 (Pa. 2019); *Allegheny County Deputy Sheriff's Ass'n v. Pennsylvania Labor Relations Bd.*, 504 A.2d 437, 439 (PA Cmwlth. 1986) (a sheriff's role is as an arm of the judicial system, implementing court-related processes).

There are numerous examples of courts extending quasi-judicial immunity to sheriffs and sheriff's deputies carrying out orders of court. The Third Circuit has held that the York County Sheriff carrying out a foreclosure sale pursuant to a facially valid court order is entitled to quasi-judicial immunity. See *Conklin v. Anthou*, 495 F. App'x 257, 264 (3d Cir. 2012); see also

*Watkins v. City of Philadelphia*, No. CV 17-0060, 2017 WL 3394618, at \*2 (E.D. Pa. Aug. 8, 2017). The United States District Court for the Eastern District of Pennsylvania found the Sheriff and then Acting Sheriff Barbara Deeley were entitled to quasi-judicial immunity for executing a facially valid writ following judgment in an action for ejectment. *Jamaladdin v. Dietterick*, No. CIV.A. 12-4686, 2013 WL 331336, at \*1-2 (E.D. Pa. Jan. 29, 2013). The Third Circuit also applied the doctrine to the Sheriff of Allegheny County when the Court found that an order of a judgment entered in Family Division proceedings may not serve as a basis for a civil action for damages against the Sheriff whose deputies jailed a party to the proceedings based upon those orders. See *Addlespurger v. Corbett*, 461 F. App'x 82, 85–86 (3d Cir. 2012).

The scope of the quasi-judicial immunity, though broad, does not extend to actions taken outside the scope of a non-judicial officer's duty. It extends only to acts authorized by court order and excludes acts that exceed such authorization. Thus, for example, officers may be immune from making an arrest pursuant to a warrant, but not for use of excessive force when executing an arrest warrant. *Russell v. Richardson*, 905 F.3d 239, 248–49 (3d Cir. 2018). Nor does it extend to discretionary actions not taken at the direction of a judge. See *Snyder v. Fleming*, 102 F.Supp.2d 592, 596 (M.D. Pa. 2000) (denying summary judgement to sheriff's office defendants who seized plaintiff's property in order to satisfy a judgment for which they were entitled to immunity, but also provided incorrect discretionary advice to the plaintiff for which they may not have been entitled to immunity).

The Plaintiff does not allege that the Sheriff was acting outside the scope of his authority pursuant to the facially valid writ issued by the Court of Common Pleas of the First Judicial District. Plaintiff's allegations against the Sheriff all stem from the lawful enforcement of the writ. The allegations against the Sheriff are essentially that after allegedly receiving notice of the

bankruptcy, the Sheriff sought to enforce the writ of possession on six separate occasions. In fact, Deputy Taylor sought to personally serve a Notice to Vacate once and an Eviction Notice once, but because personal service could not be made, a copy of each document was posted to the Property, left in the mail slot of the Property and mailed to the Property. There is no suggestion that the writ was enforced in a manner that was beyond the scope of the mandate contained therein, which directed the Sheriff to deliver possession to Defendant Hassan. Nor was the Sheriff exercising any discretion in enforcing the writ. Thus, even taking the facts as alleged in the light most favorable to the Plaintiff, quasi-judicial immunity would extend to the Sheriff under these circumstances.

## **B. Execution of the Writ is a Ministerial Act Not Subject to the Automatic Stay**

The Sheriff's mandate to enforce the writ of possession is so clear that the act of execution is a ministerial act that is not subject to the automatic stay. Section 362(a)(1) prohibits the continuation of any prepetition judicial, administrative, or other action against the debtor, including the issuance or employment of process. 11. U.S.C. § 362(a)(1). However, "Ministerial acts, even if undertaken post-petition within the context of a judicial or other court proceeding do not violate the automatic stay, in particular § 362(a)(1)." *In re Pulcini*, 261 B.R. 836, 834 (Bankr. W.D. Pa. 2001). See also *In re Connors*, 497 F.3d 314, 321 (3d Cir.2007) (delivery of sheriff's deed, although conveying legal title, is a ministerial act). In the instant case it is manded that the Sheriff, "either personally or by deputy, *shall* serve process and execute orders directed to him pursuant to law." 42 Pa.C.S.A. § 2921 (emphasis added). The use of word "shall" makes execution of the order a ministerial act rather than a judicial function. See e.g., *In re Williams*, 371 B.R.102, 111 (Bankr. E.D. Pa. 2007). When an official's duty is delineated by

law with such crystalline clarity that nothing is left to the exercise of the official's discretion or judgment, the resultant act is ministerial. *In re Soares*, 107 F.3d 969, 974 (1st Cir. 1997).

Ministerial acts are the antithesis of judicial acts as judicial acts involve the exercise of discretion or judgment. *In re Soares*, 107 F.3d 969, 974 (1st Cir. 1997). The entry of the judgment for possession, prior to the filing of Plaintiff's bankruptcy petition, concluded the judicial proceedings. What followed with respect to the execution of the writ of possession were mere ministerial acts following the completion of the judicial function. *Rexnord Holdings, Inc. v. Bidermann*, 21 F.3d 522, 528 (2d Cir. 1994); *In re Soares*, 107 F.3d at 974 (actions taken in obedience to the judge's peremptory instructions or otherwise defined and nondiscretionary are ministerial and do not violate the automatic stay even if taken after an affected party files for bankruptcy).

An act is ministerial where the law not only allows it, but demands it. For example, in *In re Williams*, 371 B.R. 102 (Bankr. E.D. Pa. 2007), a landlord brought its eviction action before the Magisterial District Court under Pennsylvania's Landlord Tenant Act, 63 P.S. § 250.101 *et seq.* The rules regarding the judgment, entered prior to the tenant's bankruptcy petition, require that the landlord first file a request for an Order for Possession. Pa. R.C.P.M.D.J. 515. Chief Judge Sigmund further noted that:

Upon such a request, ‘the magisterial district judge *shall* issue the order for possession and *shall* deliver it for service and execution to the sheriff ... The order *shall* direct the officer executing to deliver actual possession of the real property to the plaintiff.’ Pa. R.C.P.M.D.J. 516 (emphasis added).

*Id.* at 111. She concluded that in using the word “shall” the Rule makes the issuance and execution of the order a ministerial act rather than judicial function requiring the exercise of discretion. *Id.*

The issuance and execution of the writ of possession at issue here were similarly ministerial. Defendant Hassan filed an ejectment action in the Philadelphia Court of Common Pleas. Pursuant to the applicable rules of civil procedure, a judgment for possession *shall* be enforced by a writ of possession. Pa. R.C.P. No. 3160. The procedure for enforcement of the judgment for possession *shall* be in accordance with the rules governing the enforcement of judgments for the payment of money. Pa. R.C.P. No. 3161. Execution *shall* be commenced by filing a praecipe for a writ of execution with the prothonotary of any county in which judgment has been entered. Pa. R.C.P. No. 3103. Upon issuance of the writ the prothonotary *shall* transmit it directly to the sheriff to whom it is directed or deliver it to the plaintiff for transmittal. Pa. R.C.P. No. 3103. The sheriff *shall* note on the writ the date and time when it is received. Pa. R.C.P. No. 3105. All the foregoing acts, ministerial in nature, occurred prior to the Plaintiff filing his bankruptcy petition. Although the Sheriff did execute on the writ post-petition, he had no discretion in performing his official duty when executing the writ because, pursuant to statute, the Sheriff “either personally or by deputy, *shall* serve process and execute orders directed to him pursuant to law.” Thus, any post-petition efforts to enforce the writ were also ministerial in nature and are not in violation of the automatic stay.

### C. Plaintiff Is Not Entitled to Emotional Distress Damages

The Sheriff's Motion for Summary Judgment should be granted because the Plaintiff may not seek emotional distress damages against the Sheriff. Furthermore, based on the facts in the record the Plaintiff would not be able to establish that the alleged actions of the Sheriff caused him emotional distress such that he could recover emotional distress damages in this case.

**1. The abrogation of sovereign immunity under 11 U.S.C. § 106(a) to allow a "money recovery" against a governmental unit does not permit an award for emotional distress damages.**

Congress provided for a limited waiver of sovereign immunity as to governmental units. 11 U.S.C. § 106(a). The abrogation of sovereign immunity, or lack thereof, is applicable to claims for damages by debtors alleging violations of the automatic stay. 11 U.S.C. §§ 106(a)(1), 362(k). While the Bankruptcy Code allows a court to enter a judgment against a governmental unit and award a "money recovery," the Bankruptcy Code does not abrogate a governmental unit's sovereign immunity as to emotional distress damages.

The First Circuit decision in *In re Rivera Torres* provides a very thorough review on this issue. 432 F.3d 20 (1st Cir. 2005). In *Torres*, the First Circuit Court of Appeals considered the issue of whether the Bankruptcy Code's abrogation of sovereign immunity to allow "money recovery" includes the authority to enter a judgment for damages claimed for emotional distress. *Torres* involved the violation of a discharge order by the Internal Revenue Service. The court recognized that other circuits took the position that there was no authority "to support the proposition that emotional distress is an appropriate item of damages for civil contempt." *Id.* at 27 (citing *Burd v. Walters*, 868 F.2d 665, 670 (4th Cir. 1992) (holding that compensation for emotional distress was not intended as a "device for redressing private injuries")). However, the First Circuit did not need to reach the same conclusion. Based on the legislative history of the Bankruptcy Code and the United States Supreme Court's interpretation of the term "money recovery" under the Administrative Procedures Act, *id.* at 29 (discussing *Bowen v. Massachusetts*, 487 U.S. 879 (1988)), the Court found that Congress did not intend Section 106(a)(3) to abrogate sovereign immunity to allow emotional distress damages. *Id.* at 31.

The U.S. Supreme Court has long held that a waiver of sovereign immunity must be “unequivocally expressed” by the statutory text. *See F.A.A. v. Cooper*, 566 U.S. 284, 290 (2012) (citations omitted). At issue in *Cooper* was whether the government’s waiver in the Privacy Act for “actual damages” included recovery for emotional distress damages. *Id.* The Court reviewed the “canon of interpretation” that requires that any ambiguities in the statute be construed in favor of upholding sovereign immunity, and that “ambiguity exists if there is a plausible interpretation of the statute that would not authorize money damages against the Government.” *Id.* at 290-291 (citations omitted). Although there are no specific “magic words” to waive immunity, the scope of the waiver must be “clearly discernable from the statutory text” using traditional tools of statutory construction. *Id.* at 291. If it is not, the sovereign immunity canon of statutory construction requires that ambiguous language be construed to favor the sovereign. *Id.*

In *In re Lansaw*, 853 F.3d 657 (3d Cir. 2017), cert. denied sub nom. *Zokaites v. Lansaw*, 138 S.Ct. 1001 (2018), the Third Circuit Court of Appeals considered whether “actual damages” included emotional distress damages specifically for willful violations of the automatic stay under 11 U.S.C. 362(k). The facts of the case involved “egregious” violations of the automatic stay, taken by the landlord of property occupied by the debtors. *Id.* at 669. The court found that emotional distress damages were recoverable as “actual damages” under 362(k)(1) for willful violations of the automatic stay. *Id.* at 664. The court explicitly noted, however, that the defendant in that case was not “the federal government nor a state government” and left open “the question of whether emotional-distress damages may be recovered under § 362(k)(1)” when examined in the context of the sovereign immunity canon. *Id.* at 667 n.8.

A waiver of sovereign immunity may subject the government to some categories, but not others. *Torres*, 432 F.3d at 24 (citing *Lane v. Pena*, 518 U.S. 187, 192 (1996) (“To sustain a

claim that the Government is liable for awards of monetary damages, the waiver must extend unambiguously to *such* monetary claims.”) (emphasis added). As a matter of reading the plain text, “money recovery” cannot be deemed to include emotional distress damages. *Torres*, 432 F.3d at 29 (citing *Bowen*, 487 U.S. 879). The Supreme Court requires that a waiver of sovereign immunity be unambiguous and that any ambiguous wording be construed in favor of the sovereign, as discussed at length in *Cooper*, 566 U.S. 284. Although the Third Circuit has determined that “actual damages” under Section 362(k)(1), it is reasonable to view the waiver of sovereign immunity for “money recovery” under Section 106(a) more narrowly. Indeed, the Third Circuit explicitly constrained their holdings in *Lansaw* so as not to address the question of sovereign immunity under Section 106(a).

Given that the plain text “money recovery” under Section 106(a) does not reveal the scope of the waiver and is considered ambiguous, principles of statutory construction require that the ambiguity as to a waiver of sovereign immunity must be resolved in favor of the sovereign. As such, this Court should find that the waiver under 106(a) for “money recovery” should be construed to permit pecuniary loss but not to permit recovery for emotional distress.

Absent a waiver of immunity under 106(a), the Plaintiff’s claim must proceed through the analysis of the governmental immunity enjoyed by the Sheriff. In the instant case, the Sheriff of the City of Philadelphia is protected with immunity from liability granted under Pennsylvania’s Political Subdivision Tort Claims Act (the “Tort Claims Act”), 42 Pa. C.S.A. §§ 8541–64. The Tort Claims Act confers a general grant of immunity for claims against local agencies:

Except as otherwise provided in this subchapter, no local agency shall be liable for any damages on account of any injury to a person or property caused by any act of the local agency or an employee thereof or any other person.

42 Pa. C.S.A. § 8541. The Tort Claims Act similarly protects employees of local agencies, such as the Sheriff, with the same immunity so long as they do not engage in willful misconduct, which is defined as “crime, actual fraud, actual malice or actual misconduct.”” *Gresh v. Huntingdon Cty.*, 1:15-CV-1466, 2017 WL 3433658, at \*5 (M.D. Pa. Aug. 10, 2017) (quoting 42 Pa. C.S.A. § 8550); *see* 42 Pa. C.S.A. § 8545; *see also Simpson v. Philadelphia Sheriff's Office*, 351 F.Supp.3d 919, 925 (E.D. Pa. 2019); *LaGuardia v. Ross Twp.*, CV 3:15-1475, 2016 WL 4502443, at \*10 (M.D. Pa. Aug. 29, 2016), aff'd, 705 Fed.Appx. 130 (3d Cir. 2017).

The Tort Claims Act establishes certain predicates that plaintiffs must establish as well as eight narrowly defined exceptions to the Sheriff's state-created grant of general immunity, into which a plaintiff's cause of action must fall in order to be viable. *Mascaro v. Youth Study Center*, 523 A.2d 1118 (Pa. 1987) (exceptions to the tort claims act must be narrowly construed). Plaintiff must demonstrate:

1. the alleged damages "would be recoverable under common law or a statute creating a cause of action,"
2. the "injury was caused by the negligent acts of [a] local agency or an employee thereof," and
3. the local agency or an employee thereof was acting within the scope of his office or duties.

42 Pa. C.S.A. § 8542(a). The eight exceptions to immunity are enumerated in the Tort Claims Act as negligence with respect to (1) vehicles; (2) the City's care of a claimant's personal property; (3) City-owned real property; (4) trees, traffic controls, and street lights; (5) City-owned utilities; (6) streets; (7) sidewalks, and (8) City-controlled animals.

In the instant Adversary Proceeding, Plaintiff asserts that the harm caused by the Sheriff's conduct has manifested itself in ways such as headaches and loss of sleep that should be compensated as emotional injuries. Compl. ¶ 64. Plaintiff seeks an award of compensatory and

punitive damages as well as attorney's fees and sanctions pursuant to Section 362(k)(1). Compl. ¶ 68. It is undisputed that Deputy Sheriff Taylor visited the property twice to effectuate service of Defendant Hassan's Writ of Possession. On those two occasions, when personal service could not be made, Deputy Taylor posted the notice she was attempting to serve, left a copy in the mail slot and sent a copy by mail. Even if it is assumed for purposes of the Motion for Summary Judgment that, in the light most favorable to the Plaintiff, this conduct may be considered tortious acts in Pennsylvania, they are not delineated in any of the strictly construed (*Mascaro*) exceptions to the grant of general immunity conferred upon the Sheriff by the state's Tort Claims Act. As such, this Court should find that the Sheriff is not liable for damages for emotional distress.

**2. Plaintiff is not entitled to recover emotional distress damages because the Sheriff has not willfully violated the stay under 11 U.S.C. § 362(k).**

The undisputed facts in this case do not establish that the alleged actions of the Sheriff caused the Plaintiff emotional distress such that he could recover damages for emotional distress in this case. Plaintiff averred generally in his Complaint as to the nature of his emotional injuries, Compl. ¶ 64, but has not produced any medical evidence to corroborate the harm or to establish a causal connection to the Sheriff's actions.

It is only when the violations are truly egregious that testimony alone should suffice to award emotional distress damages. In *In re Lansaw*, 853 F.3d 657 (3rd Cir. 2017), the court focused on the egregious nature of the defendant landlord's violations as a justification for the award of emotional distress damages. In that case, the defendant personally intruded into the debtor-plaintiff's business, despite being denied permission to enter, and physically intimidated the debtor. 853 F.3d at 661. The defendant then entered the business after hours, chained and padlocked the doors, and threatened the debtors that he would not let them run their business the

next day. *Id.* Later that night, after the debtors had returned to their business to guard it against the defendant, the defendant returned to lock the debtors in from the outside, leaving debtors to call the police for rescue. *Id.* at 662. Lastly, when the debtors were in negotiations with a different landlord to try and relocate their business, the defendant harassed that landlord and threatened them with legal action. *Id.*

The court noted that, in the absence of “patently egregious” violations, “corroborating medical evidence may be required to prove emotional harm and causation.” *Lansaw*, 853 F.3d at 669. Although the court did not define what facts would give rise to such a determination, the facts of the instant case are markedly different from the “patently egregious” fact pattern in *Lansaw*.

Here, the Sheriff was tasked with enforcing a facially valid court order for writ of possession. In an attempt to properly notify any potential occupants at the Property, attempt at personal service was made on two occasions. When personal service could not be had on those two occasions, notice was posted to the property, left in the mail slot and sent by mail. The Civil Enforcement Unit had no knowledge that there was a bankruptcy related to the eviction action. Further, the Sheriff in this context was not acting as a creditor, but rather as is as an arm of the judicial system, implementing court-related processes. These facts do not rise to a willful violation of the automatic stay, let alone the egregious nature that would absolve the Plaintiff from presenting corroborating information of their emotional distress. Yet Plaintiff has presented zero evidence to corroborate his averments of emotional distress, or to connect the specific actions of the Sheriff to the alleged harm suffered. In the absence of any factual support, this Court should dismiss Plaintiff's claim for emotional distress damages.

#### D. Plaintiff Is Not Entitled to Punitive Damages

Plaintiff, Lyndel Toppin, also seeks punitive damages against the Sheriff of the City of Philadelphia. Pursuant to 11 U.S.C. § 106(a)(3), a Court may not issue punitive damages against a governmental unit. The Bankruptcy Code provides:

The court may issue against a governmental unit an order, process, or judgment under such sections or the Federal Rules of Bankruptcy Procedure, including an order or judgment awarding a money recovery, **but not including an award of punitive damages.**

11 U.S.C. § 106(a)(3) (emphasis added).

The Sheriff is an elected official authorized and established by the Pennsylvania Constitution. Pa. Const. art. 9, § 4. The Complaint alleges no facts about the Sheriff individually, but rather makes allegations about the Sheriff acting in his official capacity. As such, this suit against the Sheriff in his official capacity should be treated as a suit against the Sheriff's Office. *Simpson v. Philadelphia Sheriff's Office*, 351 F.Supp.3d 919, 929 (E.D. Pa. 2019) (citing *Kentucky v. Graham*, 473 U.S. 159, 165 (1985); *Monell v. N.Y. City Dep't of Soc. Servs.*, 436 U.S. 658, 690 n.55 (2018)). The Sheriff's Office is clearly a "governmental unit" as defined by 11 U.S.C. § 101 (27) ('The term "governmental unit" means United States; State; Commonwealth; District; Territory; municipality; foreign state; department, agency, or instrumentality of . . . a State, a Commonwealth, a District, a Territory, a municipality . . .; or other foreign or domestic government.'). As such, Plaintiff may not seek punitive damages against the Sheriff and this prayer for relief must be dismissed.

WHEREFORE, the City of Philadelphia respectfully requests that the Court grant summary judgment in the Sheriff's favor, dismiss the Complaint with prejudice and grant such other and further relief as this Court deems appropriate.

Respectfully submitted,

THE CITY OF PHILADELPHIA

Dated: December 26, 2019

By: /s/ Megan N. Harper  
MEGAN N. HARPER  
Deputy City Solicitor  
PA Attorney I.D. 81669  
Attorney for the City of Philadelphia  
City of Philadelphia Law Department  
Municipal Services Building  
1401 JFK Boulevard, 5<sup>th</sup> Floor  
Philadelphia, PA 19102-1595  
215-686-0503 (phone)  
Email: Megan.Harper@phila.gov



A \$5 Convenience fee will be added to the transaction at checkout.

**Case Description**

**Case ID:** 1504T0192  
**Case Caption:** CITY OF PHILA VS ZALKIN ETAL  
**Filing Date:** Tuesday , April 14th, 2015  
**Court:** REAL ESTATE TAX LIEN PETITION  
**Location:** City Hall  
**Jury:** NON JURY  
**Case Type:** REAL ESTATE TAX LIEN PETITION  
**Status:** ORDER AND DECREE - FINAL DISPO  
**Cross Reference:** TL 1959.67

**Related Cases**

No related cases were found.

**Case Event Schedule**

No case events were found.

**Case motions**

No case motions were found.

**Case Parties**

Seq #	Assoc	Expn Date	Type	Name
1			ATTORNEY FOR PLAINTIFF	BAKER JR, GEORGE V
<b>Address:</b>	GRB LAW 1425 SPRUCE STREET SUITE 100 PHILADELPHIA PA 19102 (215)735-1910	<b>Aliases:</b>	<i>none</i>	
2	1		PLAINTIFF	CITY OF PHILADELPHIA

<b>Address:</b>	C/O GRB LAW 1425 SPRUCE ST SUITE 100 PHILADELPHIA PA 19102	<b>Aliases:</b>	<i>none</i>	
3			DEFENDANT	ZALKIN, STANLEY
<b>Address:</b>	146 SOUTH 62ND STREET PHILADELPHIA PA 19139	<b>Aliases:</b>	<i>none</i>	
4			DEFENDANT	ZALKIN, ELEANOR
<b>Address:</b>	146 SOUTH 62ND STREET PHILADELPHIA PA 19139	<b>Aliases:</b>	<i>none</i>	

Docket Entries

Filing Date/Time	Docket Type	Filing Party	Disposition Amount	Approval/Entry Date
14-APR-2015 02:21 PM	ACTIVE CASE			14-APR-2015 02:43 PM
<b>Docket Entry:</b>	E-Filing Number: 1504027234			
14-APR-2015 02:21 PM	COMMENCEMENT OF CIVIL ACTION	BAKER JR, GEORGE V		14-APR-2015 02:43 PM
<b>Documents:</b>	<a href="#">Final Cover</a>			
<b>Docket Entry:</b>	<i>none.</i>			
14-APR-2015 02:21 PM	AMENDED TAX CLAIM FILED	BAKER JR, GEORGE V	\$1,959.67	14-APR-2015 02:43 PM
<b>Documents:</b>	<a href="#">031193800 GRB Statement.pdf</a> <a href="#">031193800 PEtition.pdf</a> <a href="#">031193800 TIC.pdf</a>			

<b>Docket Entry:</b>	AMENDED CLAIM FILED. FOR RULE INFORMATION, SEE RECORD.			
14-APR-2015 02:21 PM	CITY CHARGE	BAKER JR, GEORGE V		14-APR-2015 02:43 PM
<b>Docket Entry:</b>	<i>none.</i>			
28-APR-2015 03:01 PM	RULE ISSUED	CARPENTER, LINDA		28-APR-2015 12:00 AM
<b>Documents:</b>	<a href="#">RLFTX_5.pdf</a>			
<b>Docket Entry:</b>	RULE ENTERED UPON ALL INTERESTED PARTIES TO SELL THE PREMISES 146 SOUTH 62ND STREET AS FULLY DESCRIBED IN THE TAX INFORMATION CERTIFICATE, BY THE SHERIFF OF PHILADELPHIA COUNTY BECAUSE OF DELINQUENT REAL ESTATE TAXES, FREE AND CLEAR OF ANY ENCUMBRANCES. EO-DIE PETITION FILED. ...BY THE COURT - CARPENTER, J., 04/27/15			
22-JUN-2015 02:22 PM	AFFIDAVIT OF SERVICE FILED	BAKER JR, GEORGE V		22-JUN-2015 03:02 PM
<b>Documents:</b>	<a href="#">031193800_Zalkin.pdf</a>			
<b>Docket Entry:</b>	AFFIDAVIT OF SERVICE OF RULE TO FILE UPON STANLEY ZALKIN AND ELEANOR ZALKIN BY CERTIFIED MAIL,FIRST CLASS REGULAR MAIL ON 06/17/2015 FILED. (FILED ON BEHALF OF CITY OF PHILA)			
25-JUN-2015 10:04 AM	AFFIDAVIT OF SERVICE FILED			25-JUN-2015 10:20 AM
<b>Documents:</b>	<a href="#">GRB_146 South 62nd Street _Philadelp_06-25-2015.pdf</a>			
<b>Docket Entry:</b>	AFFIDAVIT OF SERVICE OF PLAINTIFF'S COMPLAINT UPON ELEANOR ZALKIN AND STANLEY ZALKIN BY POSTING OF PREMISES ON 06/20/2015 FILED.			
20-AUG-2015 02:03 PM	ORDER AND DECREE - FINAL DISPO	CARPENTER, LINDA		20-AUG-2015 12:00 AM
<b>Documents:</b>	<a href="#">ORDRT_8.pdf</a>			
<b>Docket Entry:</b>	DECREE ENTERED. THE COURT ORDERS AND DECREES THAT THE PREMISES, TO WIT: 146 SOUTH 62ND STREET, AS FULLY DESCRIBED IN THE TAX INFORMATION CERTIFICATE, SHALL BE SOLD BY THE SHERIFF,			

	CLEAR OF ALL CLAIMS, LIENS, MORTGAGES, GROUND RENTS, CHARGES, AND ESTATES, TO THE HIGHEST BIDDER AT SUCH SALE; AND THE PROCEEDS REALIZED THEREFROM SHALL BE DISTRIBUTED IN ACCORDANCE WITH THE PRIORITY OF SUCH CLAIMS; AND THE PURCHASE AT SUCH SALE SHALL TAKE AND FOREVER THEREAFTER HAVE, AN ABSOLUTE TITLE TO THE PROPERTY SOLD, FREE AND DISCHARGED OF ALL TAX AND MUNICIPAL CLAIMS, LIENS, MORTGAGES, GROUND RENTS, CHARGES, AND ESTATES OF WHATSOEVER KIND, SUBJECT ONLY TO THE RIGHT OF REDEMPTION AS PROVIDED BY LAW. ...BY THE COURT - CARPENTER, J., 8/14/15
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20-OCT-2015 02:58 PM	AFFIDAVIT OF SERVICE FILED	BAKER JR, GEORGE V		21-OCT-2015 10:26 AM
<b>Documents:</b>	<a href="#">031193800.pdf</a>			
<b>Docket Entry:</b>	AFFIDAVIT OF SERVICE OF DECREE AND NOTICE OF SALE UPON STANLEY ZALKIN AND ELEANOR ZALKIN BY FIRST CLASS REGULAR MAIL ON 10/15/2015 FILED. (FILED ON BEHALF OF CITY OF PHILADELPHIA)			
20-NOV-2015 02:49 PM	NOTICE - CONTINUED SALE DATE	BAKER JR, GEORGE V		20-NOV-2015 02:49 PM
<b>Documents:</b>	<a href="#">031193800.pdf</a>			
<b>Docket Entry:</b>	THE SHERIFF'S SALE SCHEDULED FOR 11/17/2015 HAS BEEN CONTINUED UNTIL 02/16/2016. (FILED ON BEHALF OF CITY OF PHILADELPHIA)			
19-FEB-2016 10:36 AM	WRIT RETURN FILED			19-FEB-2016 11:32 AM
<b>Docket Entry:</b>	STAYED BY PLAINTIFF'S ATTORNEY - WRIT NUMBER 1511-4006			
11-MAY-2017 04:04 PM	AFFIDAVIT OF SERVICE FILED	BAKER JR, GEORGE V		12-MAY-2017 09:22 AM
<b>Documents:</b>	<a href="#">031193800.pdf</a>			
<b>Docket Entry:</b>	AFFIDAVIT OF SERVICE OF DECREE AND NOTICE OF 7-6-2017 SHERIFF SALE UPON STANLEY ZALKIN AND ELEANOR ZALKIN BY FIRST CLASS REGULAR MAIL ON 05/09/2017 FILED. (FILED ON BEHALF OF CITY OF PHILADELPHIA)			
07-JUL-2017 09:09 AM	NOTICE - CONTINUED SALE DATE	BAKER JR, GEORGE V		10-JUL-2017 10:41 AM

<b>Documents:</b>	<a href="#">031193800.pdf</a>			
<b>Docket Entry:</b>	THE SHERIFF'S SALE SCHEDULED FOR 07/06/2017 HAS BEEN CONTINUED UNTIL 09/07/2017. (FILED ON BEHALF OF CITY OF PHILADELPHIA)			
07-JUL-2017 09:34 AM	WRIT RETURN FILED			07-JUL-2017 09:34 AM
<b>Docket Entry:</b>	SALE POSTPONED - WRIT NUMBER 1707-5002			
08-SEP-2017 12:23 PM	NOTICE - CONTINUED SALE DATE	BAKER JR, GEORGE V		08-SEP-2017 01:09 PM
<b>Documents:</b>	<a href="#">031193800.pdf</a>			
<b>Docket Entry:</b>	THE SHERIFF'S SALE SCHEDULED FOR 09/07/2017 HAS BEEN CONTINUED UNTIL 10/05/2017. (FILED ON BEHALF OF CITY OF PHILADELPHIA)			
06-OCT-2017 08:32 AM	SHERIFF'S SALE (R.E. WRITS)			06-OCT-2017 08:32 AM
<b>Docket Entry:</b>	PROPERTY SOLD TO ABDELDAYEM HASSAN FOR THE SUM OF \$30,000.00 ON 10/05/2017. - WRIT NUMBER 1707-5002			

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Receipt#: 17-121162 1707-5002

Records Department Doc Code: DS  
State RTT: \$343.40 Local RTT: \$1,064.54

## Know all Men by these Presents

*THAT I, Jewell Williams, Sheriff of the County of Philadelphia in the Commonwealth of Pennsylvania, for and in consideration of the sum of THIRTY THOUSAND AND XX / 100 [\$30,000.00] dollars, to me in hand paid, do hereby grant and convey to ABDELDAYEM HASSAN.*

### DESCRIPTION

BRT#: 031193800

Premises Being: 146 S 62ND ST, PHILADELPHIA, PA 19139-2928

SEE ATTACHED LEGAL DESCRIPTION

*The same having been sold, on the 5th day of October Anno Domini Two Thousand Seventeen, after due advertisement, according to the law, under and by virtue of a Writ of Execution/DECREE issued out of the Court of Common Pleas as of April Term, Two Thousand Fifteen Number T0192 as the suit of:*

CITY OF PHILADELPHIA

VS.

STANLEY ZALKIN AND ELEANOR ZALKIN

In witness whereof, I have hereunto affixed my signature this 9th day of November Anno Domini Two Thousand Seventeen.

**SEALED AND DELIVERED  
IN THE PRESENCE OF:**

Marilyn R. Franks

Marilyn R Franks (Nov 10, 2017)

Witness

**Jewell Williams, SHERIFF**

BY

Richard Tyer

Richard Tyer (Nov 10, 2017)

Witness

Inspector Richard Verrecchio

Inspector Richard Verrecchio (Nov 10, 2017)

Richard Verrecchio, Real Estate Inspector

Commonwealth of Pennsylvania :  
County of Philadelphia :

On this, the 09 Nov 2017, before me, the undersigned Officer, personally appeared JEWELL WILLIAMS, BY HIS/HER REAL ESTATE INSPECTOR RICHARD VERRECCHIO, Sheriff of the County of Philadelphia, known to me (or satisfactorily proven) to be the person described in the foregoing instrument, and acknowledged that he/she executed the same in the capacity therein stated and for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and official seal.



Steven J. Wulko  
Steven J. Wulko (Nov 10, 2017)

Office of Judicial Records  
Steven J. Wulko, Deputy Director

Book No. <u>1707</u> Writ No. <u>5002</u> Control No. <u>      </u>	<p><b>Deed = Poll</b></p> <p>Jewell Williams, SHERIFF TO ABDELDAYEM HASSAN</p> <p>CITY OF PHILADELPHIA VS. STANLEY ZALKIN AND ELEANOR ZALKIN</p> <p>Apr. T. 2015</p> <p>No. <u>T0192</u></p> <p>Premises: 146 S 62ND ST PHILADELPHIA, PA19139-2928</p> <p>Sheriff of the County of Philadelphia Captain Richard Verrecchio Witness Real Estate/Settlement Dept. Land Title Building 100 South Broad Street 5th Floor Philadelphia, PA19110</p>
<p>The Address of the within-named Grantee <u>309 BARKER AVENUE</u> <u>LANSDOWNE, PA19050</u></p> <p>On behalf of the Grantee Jewell Williams, SHERIFF Philadelphia Sheriff Office</p>	



Case **Case 002321 and 05144** WB-2 Document **473** Filed **12/12/2012** Entered **12/16/21/2012** Page **198** of **198** **REDOES ONLY**  
**pennsylvania**  
 DEPARTMENT OF REVENUE

Bureau of Individual Taxes  
 PO BOX 280603  
 Harrisburg, PA 17128-0603

## **REALTY TRANSFER TAX**

### **STATEMENT OF VALUE**

See reverse for instructions.

State Tax Paid
Book Number
Page Number
Date Recorded

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is not set forth in the deed, (2) the deed is without consideration or by gift, or (3) a tax exemption is claimed. If more space is needed, please attach additional sheets. A Statement of Value (SOV) is not required if the transfer is wholly exempt from tax based on family relationship or public utility easement. However, it is recommended that a SOV accompany all documents filed for recording.

#### **A. CORRESPONDENT** - All Inquiries may be directed to the following person:

Name <b>Sheriff of the County of Philadelphia</b>	Telephone Number <b>(215) 686-3530</b>
Mailing Address <b>Land Title Building 100 South Broad Street 5th Floor</b>	City <b>Philadelphia</b>
State <b>PA</b>	ZIP Code <b>19110</b>

#### **B. TRANSFER DATA**

			<b>Date of Acceptance of Document</b>
Grantor(s)/Lessor(s) <b>Jewell Williams, Sheriff</b>	Grantee(s)/Lessee(s) <b>ABDEL DAYEM HASSAN</b>		
Mailing Address <b>Land Title Building 100 South Broad Street 5th Floor</b>	Mailing Address <b>309 BARKER AVENUE</b>		
City <b>Philadelphia</b>	State <b>PA</b>	ZIP Code <b>19110</b>	City <b>LANSDOWNE</b>
State <b>PA</b>	ZIP Code <b>19050</b>		

#### **C. REAL ESTATE LOCATION**

Street Address <b>146 S 62ND ST</b>	City, Township, Borough <b>PHILADELPHIA</b>		
County <b>Philadelphia</b>	School District	Tax Parcel Number <b>031193800</b>	

#### **D. VALUATION DATA**

Was transaction part of an assignment or relocation? <input type="checkbox"/> Y <input type="checkbox"/> N		
1. Actual Cash Consideration <b>\$30,000.00</b>	2. Other Consideration <b>+ \$0.00</b>	3. Total Consideration <b>= \$30,000.00</b>
4. County Assessed Value <b>\$34,000.00</b>	5. Common Level Ratio Factor <b>x 1.01</b>	6. Computed Value <b>= \$34,340.00</b>

#### **E. EXEMPTION DATA** - Refer to instructions for exemption status.

1a. Amount of Exemption Claimed	1b. Percentage of Grantor's Interest in Real Estate	1c. Percentage of Grantor's Interest Conveyed
<b>2. Check Appropriate Box Below for Exemption Claimed.</b>		
<input type="checkbox"/> Will or intestate succession. _____ (Name of Descendant) _____ (Estate File Number)		
<input type="checkbox"/> Transfer to a trust. (Attach complete copy of trust agreement identifying all beneficiaries.)		
<input type="checkbox"/> Transfer from a trust. Date of transfer into trust _____ If trust was amended attach a copy of original and amended trust.		
<input type="checkbox"/> Transfer between principal and agent/straw party. (Attach complete copy of agency/straw party agreement.)		
<input type="checkbox"/> Transfers to the commonwealth, the U.S. and instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)		
<input type="checkbox"/> Transfer from mortgagor to a holder of a mortgage in default. (Attach copy of mortgage and note/assignment.)		
<input type="checkbox"/> Corrective or confirmatory deed. (Attach complete copy of the deed to be corrected or confirmed.)		
<input type="checkbox"/> Statutory corporate consolidation, merger or division. (Attach copy of articles.)		
<input type="checkbox"/> Other (Please explain exemption claimed.) _____		

Under penalties of law or ordinance, I declare that I have examined this Statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Correspondent or Responsible Party <b>Tiffany Harrison</b>	Date <b>11/09/2017</b>
--	---------------------------

**FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH REQUESTED DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.**

		BOOK NO.	PAGE NO.
<b>PHILADELPHIA REAL ESTATE TRANSFER TAX CERTIFICATION</b>		DATE RECORDED	
		CITY TAX PAID	
<p>Complete each section and file in duplicate with Recorder of Deeds when (1) the full consideration/value is/is not set forth in the deed, (2) when the deed is with consideration, or by gift, or (3) a tax exemption is claimed. If more space is needed, attach additional sheet(s).</p>			
<b>A. CORRESPONDENT - All inquiries may be directed to the following person:</b>			
NAME <b>Sheriff of the County of Philadelphia</b>		TELEPHONE NUMBER <b>(215) 686-3530</b>	
STREET ADDRESS <b>Land Title Building 100 South Broad Street 5th Floor</b>		CITY <b>Philadelphia</b>	STATE <b>PA</b>
		ZIP CODE <b>19110</b>	
<b>B. TRANSFER DATA</b> GRANTOR(S)/LESSOR(S) <b>Jewell Williams, Sheriff</b>		DATE OF ACCEPTANCE OF DOCUMENT: GRANTEE(S)/LESSEE(S) <b>ABDEL DAYEM HASSAN</b>	
STREET ADDRESS <b>Land Title Building 100 South Broad Street 5th Floor</b>		STREET ADDRESS <b>309 BARKER AVENUE</b>	
CITY <b>Philadelphia</b>	STATE <b>PA</b>	CITY <b>LANSDOWNE</b>	STATE <b>PA</b>
ZIP CODE <b>19110</b>		ZIP CODE <b>19050</b>	
<b>C. PROPERTY LOCATION</b>			
STREET ADDRESS <b>146 S 62ND ST</b>		CITY, TOWNSHIP, BOROUGH <b>PHILADELPHIA</b>	
COUNTY <b>PHILADELPHIA</b>	SCHOOL DISTRICT		TAX PARCEL NUMBER <b>031193800</b>
<b>D. VALUATION DATA</b>			
1. ACTUAL CASH CONSIDERATION <b>\$30,000.00</b>	2. OTHER CONSIDERATION <b>+ \$0.00</b>	3. TOTAL CONSIDERATION <b>= \$30,000.00</b>	
4. COUNTY ASSESSED VALUE <b>\$34,000.00</b>	5. COMMON LEVEL RATIO FACTOR <b>x 1.01</b>	6. FAIR MARKET VALUE <b>= \$34,340.00</b>	
<b>E. EXEMPTION DATA</b>			
1A. AMOUNT OF EXEMPTION	1B. PERCENTAGE OF INTEREST CONVEYED		<b>Transfer Tax: \$1,407.94</b>
<b>2. Check Appropriate Box Below for Exemption Claimed</b>			
<input type="checkbox"/> Will or intestate succession _____ ( NAME OF DECEDENT ) (ESTATE FILE NUMBER )			
<input type="checkbox"/> Transfer to Industrial Development Agency.			
<input type="checkbox"/> Transfer to agent or straw party. (Attach copy of agency/straw party agreement).			
<input type="checkbox"/> Transfer between principal and agent. (Attach copy of agency/straw trust agreement). Tax paid prior deed \$ _____ .			
<input type="checkbox"/> Transfer to the Commonwealth, the United States, and instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (Attach copy of resolution).			
<input type="checkbox"/> Transfer from mortgagor to a holder of a mortgage in a default. Mortgage Book Number _____ , Page Number _____ . Mortgagee (grantor) sold property to Mortgagor (grantee) (Attach copy of prior deed).			
<input type="checkbox"/> Corrective deed (Attach copy of the prior deed).			
<input type="checkbox"/> Other (Please explain exemption claimed, if other than listed above.) _____ _____ _____			
<i>Under penalties of law or ordinance, I declare that I have examined this Statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.</i>			
SIGNATURE OF CORRESPONDENT OR RESPONSIBLE PARTY <b>Tiffany Harrison</b>		DATE <b>11/9/2017</b>	

170B - 5002

BRT/OPA #: 031193800

**Legal Description**

Assessed Legal Description: 139' 3" S OF SANSOM 15' 4" X 94' 5"

Abbreviated Legal Description: 15' 4" X 94' 5-7/8"

146 S 62ND ST

**Actual Legal Description for Premises:**

ALL THAT CERTAIN lot or piece of ground with the messuage or tenement thereon erected,

SITUATE on the West side of 62nd Street at the distance of 138 feet 3 inches Southward from the South side of Sansom Street.

CONTAINING in front or breadth on 62nd Street 15 feet 4 inches and extending of that width in length or depth Westwardly at right angles with 62nd Street

94 feet 5-7/8 inches to a certain 3 feet wide alley leading Northward and Southward between Sansom Street and Walnut Street.

BEING the same premises which Patricia Roberts Harris, Secretary of Housing and Urban Development, of Washington, D.C. by Deed dated 02/01/1978  
and recorded 03/08/1978 at Philadelphia in Deed Book DCC 1603 - 269 granted and conveyed unto Stanley Zalkin and Eleanor, h/w in fee.

Case ID: 1504T0192



A \$5 Convenience fee will be added to the transaction at checkout.

## Case Description

**Case ID:** 180103400  
**Case Caption:** HASSAN VS UNKNOWN OCCUPANTS  
**Filing Date:** Monday , January 22nd, 2018  
**Court:** RENT, LEASE & EJECTMENT  
**Location:** City Hall  
**Jury:** NON JURY  
**Case Type:** EJECTMENT  
**Status:** JUDGMENT BY DEFAULT/FINAL DISP

## Related Cases

*No related cases were found.*

## Case Event Schedule

*No case events were found.*

## Case motions

*No case motions were found.*

## Case Parties

Seq #	Assoc	Expn Date	Type	Name
1			PLAINTIFF	HASSAN, ABDELDYEM
<b>Address:</b>	309 BARKER AVE LANSDOWNE PA 19050	<b>Aliases:</b>	<i>none</i>	
2			DEFENDANT	UNKNOWN OCCUPANT
<b>Address:</b>	146 S 62ND ST PHILADELPHIA PA 19139	<b>Aliases:</b>	<i>none</i>	
3			TEAM LEADER	SHIRDAN-HARRIS, LISETTE
<b>Address:</b>	692 CITY HALL PHILADELPHIA PA 19107	<b>Aliases:</b>	<i>none</i>	
4			JUDGE	ANDERS, DANIEL J
<b>Address:</b>	ROOM 292 CITY HALL PHILADELPHIA PA 19107	<b>Aliases:</b>	<i>none</i>	

**Docket Entries**

Filing Date/Time	Docket Type	Filing Party	Disposition Amount	Approval/Entry Date
22-JAN-2018 03:24 PM	ACTIVE CASE			22-JAN-2018 03:24 PM
<b>Docket Entry:</b>	<i>none.</i>			
22-JAN-2018 03:27 PM	COMPLAINT FILED NOTICE GIVEN	HASSAN, ABDELDYEM		22-JAN-2018 12:00 AM
<b>Documents:</b>	<a href="#">CMPLC_2.pdf</a> <a href="#">CMPLC_2_001.pdf</a>			
<b>Docket Entry:</b>	COMPLAINT WITH NOTICE TO DEFEND WITHIN TWENTY (20) DAYS AFTER SERVICE IN ACCORDANCE WITH RULE 1018.1 FILED.			
23-JAN-2018 04:36 PM	WAITING TO LIST CASE MGMT CONF			23-JAN-2018 04:36 PM
<b>Docket Entry:</b>	<i>none.</i>			
29-JAN-2018 10:49 AM	AFFIDAVIT OF SERVICE FILED	HASSAN, ABDELDYEM		29-JAN-2018 12:00 AM
<b>Documents:</b>	<a href="#">AFDVT_4.pdf</a>			
<b>Docket Entry:</b>	AFFIDAVIT OF SERVICE OF COMPLAINT SERVED ON UNKNOWN OCCUPANTS 1/27/18, 6:00PM AT 146 S 62ND ST PHILA PA 19139.			
05-APR-2018 04:09 PM	JUDGMENT BY DEFAULT/FINAL DISP	HASSAN, ABDELDYEM		05-APR-2018 12:00 AM
<b>Documents:</b>	<a href="#">JDDFF_5.pdf</a>			
<b>Docket Entry:</b>	<i>none.</i>			
05-APR-2018 04:44 PM	MOTION FOR WRIT OF POSSESSION	HASSAN, ABDELDYEM		05-APR-2018 12:00 AM
<b>Documents:</b>	<a href="#">MTWPS_6.pdf</a>			
<b>Docket Entry:</b>	73-18045073 MOTION FOR WRIT OF POSSESSION FILED. RESPONSE DATE: 25-APR-2018.			

27-APR-2018 11:36 AM	MOTION ASSIGNED			27-APR-2018 11:36 AM
<b>Docket Entry:</b>	73-18045073 MOTION FOR WRIT OF POSSESSION ASSIGNED TO JUDGE: ANDERS, DANIEL J. ON DATE: APRIL 27, 2018			
30-APR-2018 10:59 AM	ORDER ENTERED/236 NOTICE GIVEN	ANDERS, DANIEL J		30-APR-2018 10:59 AM
<b>Documents:</b>	<a href="#">ORDER_8.pdf</a>			
<b>Docket Entry:</b>	73-18045073 IT IS HEREBY ORDERED THAT THE MOTION IS GRANTED. IT IS FURTHER ORDERED THAT THE OFFICE OF JUDICIAL RECORDS FOR THE FIRST JUDICIAL DISTRICT IS DIRECTED TO ISSUE A WRIT OF POSSESSION FOR THE REAL PROPERTY LOCATED AT 146 S. 62ND STREET, PHILA., PA 19139 UPON PRAECIPE OF PLAINTIFF. ...BY THE COURT:ANDERS , J., 4/27/2018			
30-APR-2018 10:59 AM	NOTICE GIVEN UNDER RULE 236			30-APR-2018 01:16 PM
<b>Docket Entry:</b>	NOTICE GIVEN ON 30-APR-2018 OF ORDER ENTERED/236 NOTICE GIVEN ENTERED ON 30-APR-2018.			
07-MAY-2018 04:07 PM	PRAECIPE - WRIT OF POSSESSION	HASSAN, ABDELDYEM		07-MAY-2018 12:00 AM
<b>Documents:</b>	<a href="#">WRPOS_10.pdf</a>			
<b>Docket Entry:</b>	PRAECIPE FOR WRIT OF POSSESSION (RE) FILED. WRIT OF POSSESSION (RE) ***. SUBJECT PREMISES: 146 S 62ND ST. PHILA., PA 19139.			

[► Case Description](#)    [► Related Cases](#)    [► Event Schedule](#)    [► Case Parties](#)    [► Docket Entries](#)

[E-Filing System](#)    [Search Home](#)

PRAEICE FOR WRIT OF POSSESSION

Commonwealth of Pennsylvania  
COUNTY OF PHILADELPHIA

HASSAN  
Plaintiff

COURT OF COMMON PLEAS

vs.

Term, 20

UNKNOWN OCCUPANTS  
Defendant

NO. 180103400

**Praeice for Writ of Possession**

**TO THE OFFICE OF JUDICIAL RECORDS:**

Issue Writ of Possession in the above matter, for possession of: (describe property)

146 S 62nd ST

Phila PA 190139

2018 MAY -7 PM 4:05  
OFFICE OF JUDICIAL RECORDS  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

*[Signature]*  
Attorney(s) for Plaintiff(s)

Hassan Vs Unknown Occupants-WRPOS

Ejectment Quiet Title



18010340000010

Form C.P. 109

Ejectment  
Quiet Title

Commonwealth of Pennsylvania  
County of Philadelphia

HASSAN

COURT OF COMMON PLEAS

vs. Unknown  
occupants

Term, 20 \_\_\_\_\_  
No. 180103460

**Writ of Possession**

To the Sheriff of Philadelphia County:

(1) To satisfy the judgment for possession in the above matter you are directed to deliver possession of the following described property to:

HASSAN Abd el-Ham

(2) To satisfy the costs against

Unknown occupants

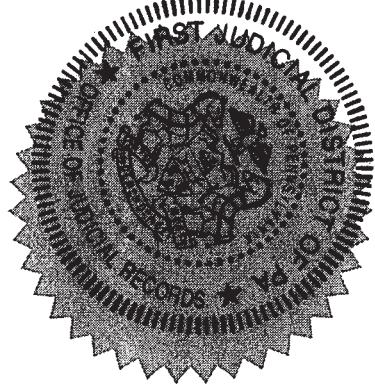
directed to levy upon any property of

146 S. 62nd St  
Phila & A 19139

you are

and sell

interest therein.



ERIC FEDER  
Director, Office of Judicial Records

By N. Jan  
*[Signature]*  
Clerk

Date May 7, 2018

Court of Common Pleas

\_\_\_\_ Term, 20\_\_\_\_  
No. 180103400

HASSAN vs. UNKNOWN OCCUPANTS

WRIT OF POSSESSION

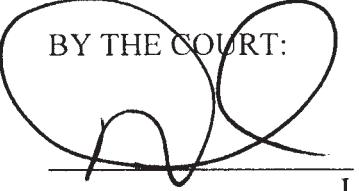
IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION – CIVIL

HASAN : Case No. 180103400  
: Control No. 18045073  
v. :  
UNKNOWN OCCUPANTS :

ORDER

AND NOW, this 27<sup>th</sup> day of April, 2018, upon consideration of Plaintiff's Motion for Writ of Possession, it is hereby ORDERED that the Motion is GRANTED.

It is further ORDERED that the Office of Judicial Records for the First Judicial District is directed to issue a Writ of Possession for the real property located at 146 S. 62<sup>nd</sup> Street, Philadelphia, PA 19139 upon Praeclipe of Plaintiff.

BY THE COURT:  
  
J.

RECEIVED  
APR 30 2018  
OFFICE OF JUDICIAL  
RECORDS

Hassan Vs Unknown Occup-ORDER



18010340000008

ST# 239566 Case 18-00137-mdc Doc 72-5 Filed 12/26/19 Entered 12/26/19 18:48:20 Desc 300  
ON 5-8-18

Notice Rec'd  
ON 5-8-18

Court of Common Pleas

\$325.  
5/7/20  
Same Party Filed  
Information Crim.

Term, 20

No. 180103400

HASSAN vs. UNKNOWN OCCUPANTS  
146 S. 62ND ST  
PHILA. PA. 19139

WRIT OF POSSESSION

HASAN

484-557-1737

2018 MAY -8 PM 3:52  
SHERIFF'S OFFICE-MAIN DESK  
PHILADELPHIA

## FAX COVER SHEET

TO	Sheriff
COMPANY	Sheriff
FAX NUMBER	12156863971
FROM	Stephen Dunne
DATE	2018-05-08 22:25:14 GMT
RE	Notice of Bankruptcy Case Filing - Book/Writ1707-5002

### COVER MESSAGE

Please see Notice of Bankruptcy Case Filing for Lyndel Toppin, who resides at 146 S. 62nd Street, Philadelphia, PA 19145.

Book/Writ1707-5002

Thank you.

Stephen M. Dunne, Esq.

United States Bankruptcy Court  
Eastern District of Pennsylvania



**Notice of Bankruptcy Case Filing**

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 13 of the United States Bankruptcy Code, entered on 05/08/2018 at 6:04 PM and filed on 05/08/2018.

Lyndel Toppin  
146 S. 62nd Street  
Philadelphia, PA 19145  
SSN / ITIN: xxx-xx-2550

The case was filed by the debtor's attorney:

STEPHEN MATTHEW DUNNE  
Dunne Law Offices, P.C.  
1515 Market Street  
Suite 1200  
Philadelphia, PA 19102  
U.S.A.  
215-551-7109

The case was assigned case number 18-13098-mdc to Judge Magdeline D. Coleman.

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available at our Internet home page <http://ecf.pab.uscourts.gov> or at the Clerk's Office, 900 Market Street, Suite 400, Philadelphia, PA 19107.

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

Timothy B McGrath

**SHERIFF'S OFFICE OF PHILADELPHIA COUNTY**

**Jewell Williams**  
Sheriff

**Richard Verrecchio**  
Chief Inspector



**Kevin Lamb**  
Chief Deputy

**Robert Jackson**  
Chief of Staff

CITY OF PHILADELPHIA  
vs.  
STANLEY ZALKIN AND ELEANOR ZALKIN

**Case Number**  
1504T0192  
(1707-5002)

**SHERIFF'S RETURN OF SERVICE**

- 04/27/2017 COURT DECREE, HANDBILL, LEGAL DESCRIPTION
- 04/27/2017 WRIT DATA VERIFIED BY TOMIKO VAUGHON
- 07/06/2017 AS DIRECTED BY GRB LAW, ATTORNEY FOR THE PLAINTIFF, SHERIFF'S SALE CONTINUED TO 9/7/2017
- 09/07/2017 AS DIRECTED BY GRB LAW, ATTORNEY FOR THE PLAINTIFF, SHERIFF'S SALE CONTINUED TO 10/5/2017
- 10/05/2017 REAL ESTATE SOLD AT SHERIFF'S SALE
- 10/05/2017 SALES RECEIPT DATA VERIFIED BY TOMIKO VAUGHON
- 10/05/2017 AUTOMATED DEED ASSIGNMENT PATRIOT LAND TRANSFER, LLC
- 10/06/2017 BUYER'S ACKNOWLEDGEMENT
- 11/03/2017 SHERIFF'S SETTLEMENT
- 11/03/2017 PRINTED ON NOVEMBER 03, 2017 BY MARK WILSON WITH TRACKING ID: 1509726459
- 11/09/2017 REAL ESTATE:  
ABDELDAYEM HASSAN  
309 BARKER AVENUE  
LANSDOWNE, PA 19050
- 05/08/2018 DEFENDANT ATTORNEY
- 05/09/2018 BANKRUPTCY FILED IN SHERIFF'S OFFICE
- 07/26/2018 DART DISTRIBUTION POLICY REQUESTED FROM PATRIOT LAND TRANSFER, LLC (NOTED BY BADIA BEASLE)
- 11/07/2018 DISTRIBUTION POLICY RECEIVED FROM PATRIOT LAND TRANSFER, LLC (NOTED BY RICHARD VERRECCHIO)

SHERIFF COST: \$2,931.71

SO ANSWERS,

A handwritten signature in black ink, appearing to read "Jewell Williams".

JEWELL WILLIAMS, SHERIFF

August 20, 2019

Page 1

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
CASE NO. 18-13098-MDC

---

LYNDEL TOPPIN,

Debtor/Plaintiff,

vs.

JEWELL WILLIAMS and  
ABDELDAYEM HASSAN  
a/k/a ABDELDYEM  
HASSAN,

Defendants.

---

\* \* \* \*

THURSDAY, DECEMBER 12, 2019

\* \* \* \*

Oral deposition of LIEUTENANT SEAN  
THORNTON, taken pursuant to notice, was  
held at the Municipal Services Building,  
1401 John F. Kennedy Boulevard, Philadelphia,  
Pennsylvania, commencing at 12:00 p.m.,  
on the above date, before Lori A. Porto,  
a Certified Court Reporter.

KAPLAN, LEAMAN & WOLFE  
230 SOUTH BROAD STREET, SUITE 1303  
PHILADELPHIA, PENNSYLVANIA 19102  
(215) 922-7112  
www.klwreporters.com

Page 8

1 purposes of today's questioning, I need your answers  
2 to be verbal, so the court reporter can jot them down  
3 for the record.

4 Is that understood?

5                   A.           Yes (indicating).

Q. I saw you nodding your head.

7 A. Yes.

8           Q.       I'll also give you this instruction and  
9       it's just going to be a question, but please don't  
10      think anything by it.  We ask every deponent, every  
11      single deponent.

15 A. No.

16 Q. Please state your full name for the  
17 record.

18 A. Sean Thornton.

19 Q. What is your occupation, Mr. Thornton?

20                   A.         Deputy Sheriff Lieutenant with the  
21     Philadelphia Sheriff's Office, assigned to the Civil  
22     Enforcement Unit.

23 Q. Lieutenant Thornton, how long have you  
24 been with the sheriff's office?

A. In total, 11 years.

Page 9

1 Q. Can you describe your duties, your  
2 general duties, in your current position?

3 A. Civil Enforcement Unit.

4 We enforce civil complaints, which  
5 include writ possessions, whether they are  
6 executions, injunctions.

7 Q. Is this the position that you held  
8 between April and August of 2018?

9 Is it the same position that you have  
10 now?

11 A. No, I was assigned to another unit at  
12 that time.

13 Q. Okay.

14 So, at the time that we are here  
15 inquiring about, what was your job then?

16 A. I was assigned to the Fugitive Warrant  
17 Unit.

18 Q. So, between April and August of 2018,  
19 you really had nothing to do with Civil Enforcement,  
20 is that correct?

21 A. I was not assigned -- yeah, I was not  
22 assigned to Civil Enforcement, that is correct.

23 Q. Do you know who was with the Civil  
24 Enforcement Unit at the time?

25 A. Are you --

Page 10

1 Q. Which deputy or lieutenant?

2 MR. DOMER: Could you clarify what  
3 level?

4 MR. FILIPOVIC: Okay.

5 The job that you are doing now for  
6 Civil Enforcement, do you know who did that job for  
7 Civil Enforcement, that same job, same level, in the  
8 time frame that I've specified?

9 THE WITNESS: We had Inspector Monte  
10 Guess and Inspector Al Innaurato.

11 I can spell that.

12 It's I-n-n-a-u-r-a-t-o.

13 MR. FILIPOVIC: Just one second.

14 I would like to confer with counsel and  
15 step out.

16 Off the record.

17 (OFF-THE-RECORD DISCUSSION)

18 (BRIEF RECESS)

19 BY MR. FILIPOVIC:

20 Q. Lieutenant Thornton, when did you become  
21 assigned to the Civil Enforcement Unit?

22 Do you know the exact date?

23 A. January of 2015.

24 Q. January of 2015?

25 A. Correct.

Page 11

1 Q. So how long were you with the Civil  
2 Enforcement Unit prior to getting reassigned to  
3 Warrants?

4 A. I was reassigned September -- excuse me,  
5 October of 2017, and I returned to the Civil  
6 Enforcement Unit in December of 2018.

7 Q. When you returned to the Civil  
8 Enforcement Unit in September of 2018, did any  
9 policies and procedures change from the time that you  
10 would have been there until October of 2017?

11 A. No.

12 Q. Excuse my unfamiliarity with the ranks  
13 in your office, but, you're a lieutenant, so is there  
14 anybody that you reported to within the Civil  
15 Enforcement Unit at the time that you were there  
16 higher than you?

17 MS. HARPER: Can you narrow that down,  
18 maybe break it down to the time frames --

19 MR. FILIPOVIC: Well, I'm only  
20 interested in his time with the Civil Enforcement  
21 Unit.

22 So who did you report to?

23 THE WITNESS: At what time?

24 MR. FILIPOVIC: September.

25 THE WITNESS: September of 2018?

Page 12

1 MR. FILIPOVIC: Yes.

2 THE WITNESS: Inspector Monte Guess.

3 BY MR. FILIPOVIC:

4 Q. Until October of 2017?

5 A. I'm sorry?

6 Q. Until October of 2017, prior to getting  
7 reassigned, who did you report to until then?

8 A. Inspector Innaurato.

9 Q. Do you know if Inspector -- do you know  
10 when Inspector Monte Guess took over for Inspector  
11 Innaurato?

12 A. September of 2018.

13 Q. So the same time you got reassigned?

14 A. Yes.

15 It was simultaneous.

16 Inspector Innaurato retired and  
17 Inspector Monte Guess assumed command of the unit.

18 Q. Okay.

19 Sir, in your time with the -- I'm  
20 asking about the entire time with the sheriff's  
21 office.

22 To your knowledge, do you know what  
23 generally happens when the sheriff finds out or gets  
24 notice that a debtor has filed for bankruptcy?

25 A. Generally speaking?

Page 13

1 Q. Yes.

2 A. When we get notice, we cease operations,  
3 cease action on any, I guess, complaints or writ  
4 possessions or writ executions.

5 Q. Within the sheriff's office, is there  
6 any specific phone line or toll-free number or, maybe  
7 not a toll-free number, but a number that is  
8 designated specifically for debtors to call in and  
9 notify the sheriff of, hey, we filed bankruptcy?

10 Is there any such number?

11 A. There are several numbers, but it all  
12 depends on what unit -- well, the sheriff's office,  
13 we enforce court orders, so a court order could come  
14 from different areas of the office, so it all depends  
15 on who files the bankruptcy and what unit -- where  
16 the enforcement is needed, so -- a general number are  
17 you asking?

18 Q. No.

19 I'm asking if there is a specific  
20 number that says to the public, hey, if you file  
21 bankruptcy and you want to notify the sheriff, this  
22 is the number to call.

23 Is there any such number that is only  
24 for that?

25 A. Only for that, there is no such number.

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1 Q. Okay, that's fine.

2 Do you know -- same question for a fax  
3 number, where it says to the public, a fax line that  
4 says to the public, hey, if you filed for bankruptcy  
5 and you want to notify the sheriff, this is the fax  
6 number to send that notice to?

7 A. No.

8 Q. The same question for e-mail address.

9 A. No.

10 Q. Now, you've answered my question about  
11 what generally happens, you know, with respect to  
12 enforcement efforts once there is a notice of  
13 bankruptcy, and thank you for that, but did you  
14 receive any training on that from the sheriff's  
15 office at any point?

16 A. Training for --

17 Q. Training in regards to how bankruptcy  
18 affects actions of the sheriff.

19 A. Yeah.

20 It's actually -- we speak with our  
21 superiors and they explain during the training  
22 process before you are, sort of, for lack of a better  
23 word, on your own to enforce court orders.

24 Q. So it's something that you were trained  
25 on as a part of your initial training process?

Page 15

1 A. Yes.

2 Q. Is there any written material that you  
3 were provided, like a PowerPoint to that effect, or  
4 anything like that?

5 A. Yes.

6 We do have a training manual, so to  
7 speak.

8 Q. And it's in the training manual?

9 A. Yes.

10 (REQUEST) MR. FILIPOVIC: I would like to make a  
11 request on the record for production of the said  
12 training manual, as it was requested in discovery and  
13 we have not received it.

14 That is a household matter between  
15 counsel, but nothing to do with your questioning.

16 Thank you.

17 To the best of your recollection, does  
18 the training manual say that, once the notice is  
19 given to the sheriff of the bankruptcy, you are to  
20 cease enforcement of any pending writs, complaints,  
21 so forth?

22 THE WITNESS: Yes.

23 BY MR. FILIPOVIC:

24 Q. You said, sir, that your office  
25 generally enforces court orders.

Page 16

1                   Do you know -- how many court orders  
2 have you seen in your time with the sheriff's office?

3                   And, this could be a large number or a  
4 small number, but how many actual court orders have  
5 you seen with your own eyes, where the judges in  
6 Philadelphia have signed an order that directs the  
7 sheriff or litigant to do one thing or another?

8                   A.       A couple hundred.

9                   Q.       A couple hundred, okay, fair enough.

10                  In your experience, from having seen a  
11 couple hundred of these, do you know what the court  
12 in Philadelphia considers to be a proper fax number  
13 for notifying the sheriff of real estate-related  
14 executions?

15                  A.       Can you repeat that?

16                  Q.       In your experience, having seen a couple  
17 hundred of these, do you know, has it come to your  
18 attention, what fax number may appear on these court  
19 orders as the fax number for judges to rely on for  
20 notices to the sheriff's office with respect to real  
21 estate-related executions?

22                  A.       I'm not sure if I understand your  
23 question.

24                  MR. FILIPOVIC: We will mark this PS-1.  
25                  (Exhibit PS-1, Order dated 9-10-19, is

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1                   She posted the property, meaning Deputy  
2 Taylor, she posted the property on this particular  
3 date at this particular time.

4                   Now, the next time that an entry would  
5 have been made would have been the actual eviction  
6 date, where we go out and evict an occupant from the  
7 property.

8                   Other than that, again, we --

9                 Q.       I understand that.

10               A.       That would be the only entry that would  
11 have been made.

12               Q.       We're only interested in entries that  
13 were made that are associated with each action that  
14 the sheriff took under that sheriff's number.

15               A.       Okay.

16               Q.       And Jewell would have that, correct?

17               A.       Yes.

18               Q.       An entry for each action the sheriff  
19 took on a given sheriff's number?

20               A.       Yes, but you also have to understand  
21 that we do -- for writ possessions, there are only  
22 two attempts or two times you go to the property.

23                   Actually, if you include the eviction,  
24 it will be three, total.

25                   I wasn't clear on that, I apologize.

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1                   The first time is to give initial  
2 notice, the second time is to give the eviction date,  
3 and the third time is to do the eviction.

4                   The only time -- of those three times  
5 there, there would be two entries in the Jewell  
6 system, the first initial time to give notice and the  
7 actual eviction date.

8                   The second time, to give the eviction  
9 date, there is not a log in the Jewell system.

10                  Q.       And that was my question earlier that  
11 was, maybe, misunderstood.

12                  There could be times that the sheriff  
13 takes action to either evict or serve that is not  
14 noted in the Jewell system?

15                  A.       Correct.

16                  MR. FILIPOVIC: No further questions.

17                  (EXAMINATION OF LT. THORNE BY MS. HARPER:)

18                  Q.       If notice is mailed, would that be  
19 logged into the Jewell system?

20                  A.       No.

21                  Q.       In general, when you are serving a  
22 notice to vacate, is it not only customary to post it  
23 on the property, but also to mail it to the property?

24                  MR. FILIPOVIC: Objection to form,  
25 compound question.

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1 MS. HARPER: You can answer, if you  
2 understand.

3 I can clarify it.

4 THE WITNESS: What deputies -- when we  
5 post the property, if we have to post a property,  
6 that means we did not make contact with the occupant.  
7 Therefore, to ensure that the occupant has notice, we  
8 leave multiple notices. One would be posted and the  
9 other would be left in the mail slot and the other  
10 would be mailed out, just to ensure the occupant has  
11 notice, if we do not make contact with the occupant.

12 BY MS. HARPER:

13 Q. But that mailing is not something that  
14 is generally recorded in Jewell?

15 A. That is correct.

16 Q. I am going to ask you a question.

17 This is something that was produced in  
18 discovery by the sheriff's office or on behalf of the  
19 sheriff's office.

20 Does this record represent to your  
21 knowledge the complete record in the Jewell system  
22 for the Civil Enforcement Unit with respect to  
23 execution of the sheriff's number 231566?

24 A. Correct.

25 MS. HARPER: Thank you.

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1 MR. FILIPOVIC: Nothing further, sir.

2 Thank you.

3 (WITNESS EXCUSED)

4 (DEPOSITION CONCLUDED AT 1:30 P.M.)

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## C E R T I F I C A T E

2

3

4           I, Lori A. Porto, a Notary Public and Certified  
5 Court Reporter do hereby certify that the foregoing  
6 is a true and accurate transcript of the testimony as  
7 taken stenographically by and before me at the time,  
8 place, and on the date hereinbefore set forth, to the  
9 best of my ability.

10          I do further certify that I am neither a  
11 relative nor employee nor attorney nor counsel of any  
12 of the parties to this action, and that I am neither  
13 a relative nor employee of such attorney or counsel,  
14 and that I am not financially interested in the  
15 action.

16

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25

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Lori A. Porto, CCR  
Notary Public, State of New Jersey  
Certificate No. XI01577

Page 1	Page 3
UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA CASE NO. 18-13098-MDC	WITNESS INDEX
LYNDEL TOPPIN, Debtor/Plaintiff, vs. JEWELL WILLIAMS and ABDELDAYEM HASSAN a/k/a ABDELDYEM HASSAN, Defendants.	Examination of Deputy Taylor By Mr. Filipovic: Pages 6, 36 By Ms. Harper: Pages 33, 35 By Mr. Domer: Page 34
* * * *	12 13 14 15 16
THURSDAY, DECEMBER 12, 2019	17 18 19 20 21 22
* * * *	23 24 25
Oral deposition of DEPUTY JETARIA TAYLOR, taken pursuant to notice, was held at the Municipal Services Building, 1401 John F. Kennedy Boulevard, Philadelphia, Pennsylvania, commencing at 1:30 a.m., on the above date, before Lori A. Porto, a Certified Court Reporter.	18 19 20 21 22
KAPLAN, LEAMAN & WOLFE 230 SOUTH BROAD STREET, SUITE 1303 PHILADELPHIA, PENNSYLVANIA 19102 (215) 922-7112 www.klwreporters.com	23 24 25
Page 2	Page 4
1 APP E A R A N C E S:	1 EXHIBITS
2 DUNNE LAW OFFICES, P.C.	2
3 BY: STEPHEN M. DUNNE, ESQUIRE	3
4 - and	4
5 PREDRAG FILIPOVIC, ESQUIRE	5
6 1515 Market Street	6
7 Suite 1200	7
8 Philadelphia, PA 19109	8
9 stephen@dunnelawoffices.com	9
10 pfesq@ifight4justice.com	10
11 Counsel for the Debtor/Plaintiff	11
12 CITY OF PHILADELPHIA LAW DEPARTMENT	12
13 BY: MEGAN N. HARPER, DEPUTY CITY SOLICITOR	13
14 - and -	14
15 JOSHUA DOMER, ASSISTANT CITY SOLICITOR	15
16 1401 John F. Kennedy Boulevard	16
17 Room 580	17
18 Philadelphia, PA 19102	18
19 215.686.0503	19
20 megan.harper@phila.gov	20
21 joshua.domer@phila.gov	21
22 Counsel for the Defendant	22
23 Jewell Williams	23
24	24
25	25
(NO EXHIBITS WERE MARKED)	

Exhibit I Page 2 of 8  
Jetaria Taylor

<p style="text-align: center;">Page 5</p> <p>1           DEPOSITION SUPPORT      2      3        (REQUEST).....16      4        (REQUEST).....29      5      6      7      8      9      10      11      12      13      14      15      16      17      18      19      20      21      22      23      24      25</p>	<p style="text-align: center;">Page 7</p> <p>1       substance, that would prevent you from giving      2       truthful testimony today?      3       A. No.      4       Q. Could you say your name for the record,      5       please?      6       A. Jetaria, J-e-t-a-r-i-a, Taylor,      7       T-a-y-l-o-r.      8       Q. Ms. Taylor, what is your current      9       occupation?      10      A. I am a deputy sheriff with the      11       Philadelphia Sheriff's Office assigned to the Civil      12       Enforcement Unit.      13      Q. How long have you been in that position?      14      A. For two years.      15      Q. So you were there from May until, say,      16       July of 2018?      17      A. Yes.      18      Q. Ms. Taylor, are you familiar -- describe      19       your job duties that are associated with your      20       position.      21      A. I am responsible for enforcing court      22       orders, I handle evictions, and that is really about      23       it.      24      Q. Do you go to the field and do you go to      25       the properties for evictions, posting notices, and</p>
<p style="text-align: center;">Page 6</p> <p>1       (Jetaria Taylor, having been duly sworn, was examined      2       and testified as follows:)      3       (EXAMINATION OF DEPUTY TAYLOR BY MR. FILIPOVIC:)      4       Q. Good afternoon, Ms. Taylor.      5       I'm Counsel Filipovic for Lyndel Toppin      6       and co-counsel is Stephen Dunne. We're going to be      7       conducting this deposition.      8       The rules, I have to repeat them for      9       the record.      10      I will ask questions and I will try to      11      be succinct.      12      When you answer, please do so verbally,      13      so the court reporter can write the answers down for      14      the record, and, I can understand your gestures, but      15      it's difficult for her to write them down.      16      If you should, at any point, want me to      17      clarify a question, I will, to the best of my      18      ability, and we'll go from there.      19      A. Okay.      20      MR. FILIPOVIC: Usual stipulations in      21      this one, counsel?      22      MS. HARPER: Sure.      23      BY MR. FILIPOVIC:      24      Q. Ms. Taylor, again, I have to ask you,      25      are you under the influence of anything, any</p>	<p style="text-align: center;">Page 8</p> <p>1       such?      2       A. Yes.      3       Q. Do you go alone or do you have a partner      4       or how does that work?      5       A. I go alone as far as postings, but I      6       have a partner when I do the actual eviction.      7       Q. Do you take a vehicle?      8       A. Yes.      9       Q. What type of vehicle?      10      A. Ford Taurus.      11      Q. Ford Taurus?      12      A. Uh-huh, personal vehicle.      13      Q. Personal vehicle?      14      A. Yes.      15      Q. It does not have sheriff's indications      16      on there?      17      A. No.      18      Q. Are you generally wearing a uniform?      19      A. No.      20      Q. I notice you have a gun here on you      21      today.      22      Do you usually have a gun when you are      23      in the field serving evictions and posting notices?      24      A. I have a gun every time I am at work.      25      Q. So is that a yes?</p>

2 (Pages 5 to 8)

Exhibit I Page 3 of 8  
Jetaria Taylor

Page 9	Page 11
<p>1 A. Yes.</p> <p>2 Q. Now, when you have a partner, do you</p> <p>3 then travel in a marked vehicle or is it still</p> <p>4 unmarked?</p> <p>5 A. No, still personal vehicles.</p> <p>6 Q. Two personal vehicles?</p> <p>7 A. Uh-huh, yes.</p> <p>8 Q. Is that the same practice that was</p> <p>9 employed between May and June of last year?</p> <p>10 A. Yes.</p> <p>11 Q. Do you have a badge on you if you are</p> <p>12 asked to show it?</p> <p>13 A. Yes.</p> <p>14 Q. How do you post a notice of eviction?</p> <p>15 A. So I would knock first to personally</p> <p>16 serve.</p> <p>17 If I don't get an answer, I post one to</p> <p>18 the door and another copy I would put in the mailbox.</p> <p>19 Q. The one that you post on the door, how</p> <p>20 do you affix it to the door?</p> <p>21 A. Just with some tape (indicating).</p> <p>22 Q. How long does that usually take?</p> <p>23 A. Two minutes, if that.</p> <p>24 Q. Do you use any color-coding?</p> <p>25 A. No.</p>	<p>1 of that is?</p> <p>2 A. That we continued after he filed for</p> <p>3 bankruptcy.</p> <p>4 Q. Continued to -- continued what?</p> <p>5 A. I guess continued service on this</p> <p>6 particular address after bankruptcy.</p> <p>7 Q. Were you one of the deputies in charge</p> <p>8 of servicing this writ?</p> <p>9 A. Yes.</p> <p>10 Q. Mr. Lyndel Toppin's writ?</p> <p>11 A. Yes.</p> <p>12 Q. My question to you, Ms. Taylor -- if you</p> <p>13 could, take a look at Exhibits PS-3 through 8.</p> <p>14 These are the copies of all the notices</p> <p>15 and there should be six of them.</p> <p>16 Ms. Taylor, do you know what these</p> <p>17 documents represent?</p> <p>18 A. Yes.</p> <p>19 Q. What are they?</p> <p>20 A. They are the initial notice to vacate</p> <p>21 and then the eviction notice that gives the actual</p> <p>22 eviction date.</p> <p>23 Q. Could you be specific and refer to them</p> <p>24 by the numbers that they are identified as?</p> <p>25 A. One-by-one or --</p>
<p>1 Q. Are they preprinted -- what are the</p> <p>2 colors that are on these notices?</p> <p>3 Are they noticeable, bright colors?</p> <p>4 A. It depends.</p> <p>5 We were using -- I think it was red,</p> <p>6 the notice to vacate, but we didn't have anymore, so</p> <p>7 it would just be a photocopy of that.</p> <p>8 We didn't have color.</p> <p>9 Q. If you run out?</p> <p>10 A. Yes.</p> <p>11 Q. But they are supposed to be red?</p> <p>12 A. I'm not going to say supposed to be.</p> <p>13 Q. But they were?</p> <p>14 A. Yes.</p> <p>15 Q. Red?</p> <p>16 A. Uh-huh.</p> <p>17 Q. Why do you think that they were in red?</p> <p>18 A. No particular reason.</p> <p>19 Q. We're here for the case of Lyndel Toppin</p> <p>20 and the particular property is at 146 South 62nd</p> <p>21 Street.</p> <p>22 Do you know what this case is about and</p> <p>23 why you are here getting deposed today?</p> <p>24 A. Yes.</p> <p>25 Q. Can you tell us what your understanding</p>	<p>1 Q. If you don't mind, yeah, one-by-one.</p> <p>2 A. PS-3 is the initial notice to vacate,</p> <p>3 PS-4 is the initial notice to vacate, PS-5 is the</p> <p>4 initial notice to vacate. Basically, it is a 21-day</p> <p>5 notice.</p> <p>6 Then, you have PS-6, which is the</p> <p>7 actual eviction notice, attached with the writ.</p> <p>8 PS-8 is an envelope with the annual</p> <p>9 eviction notice with the date of the eviction and</p> <p>10 then PS-7 is the final eviction notice with a copy of</p> <p>11 the writ.</p> <p>12 Q. Okay, thank you.</p> <p>13 Do you see the entry on all of them,</p> <p>14 the sheriff's number?</p> <p>15 A. Yes.</p> <p>16 Q. That sheriff's number, do you know it to</p> <p>17 be associated with Mr. Lyndel Toppin and the property</p> <p>18 at 146 South 62nd Street?</p> <p>19 A. I'm not sure.</p> <p>20 Q. You testified that you were in charge of</p> <p>21 servicing the Lyndel Toppin evictions and notices to</p> <p>22 vacate, correct?</p> <p>23 A. Yes.</p> <p>24 MS. HARPER: Objection.</p> <p>25 I don't think she testified to that.</p>

Exhibit I Page 4 of 8  
Jetaria Taylor

Page 13	Page 15
<p>1           MR. FILIPOVIC: Counsel, I think she      2        did.      3        Do you want to see the record --      4        MS. HARPER: That's fine.      5        MR. FILIPOVIC: Court Reporter, could      6        you go back and read my question about were you the      7        deputy in charge of servicing the address?      8        (DESIGNATED QUESTION AND ANSWER WERE      9        READ)      10      BY MR. FILIPOVIC:      11       Q. Do you know if that sheriff's number on      12       these several notices pertain to Mr. Toppin and that      13       particular property?      14       A. Yes.      15       Q. It does?      16       A. Yes.      17       Q. Did you personally serve these?      18       A. Personally serve them, no.      19       I posted them.      20       Q. Oh, right, I'm sorry.      21       You were the deputy that posted these      22       on the premises?      23       A. Yes.      24       Q. At 146 South 62nd Street?      25       A. Yes.</p>	<p>1       Did I say it was your handwriting?      2       A. You're asking me about a date.      3       MS. HARPER: Counsel, you're getting      4       argumentative with her.      5       I think it is unnecessary.      6       MR. FILIPOVIC: It is certainly not      7       necessary, but I'm just asking for an answer to my      8       question.      9       My question is -- I didn't even ask      10       that, but the date that you see on the earliest      11       notice, what is the date?      12       It's in the bottom left-hand corner.      13       THE WITNESS: It says May 18th, 2018.      14      BY MR. FILIPOVIC:      15       Q. Does that sound correct to you as the      16       first date you went out?      17       A. No.      18       Q. No?      19       A. No.      20       Q. So you would have done -- whenever you      21       had gone out, you would have done it in a personal      22       vehicle?      23       A. Yes.      24       Q. Do you get reimbursed for mileage for      25       these trips?</p>
<p>1       Q. How many dates are we talking about      2       here, for you to have posted these?      3       A. I would have only went out twice.      4       Once was for the initial notice and      5       once was for the final notice.      6       Q. What about the letter?      7       A. Every time we do a posting, you mail one      8       out, you post one to the door, and then you put one      9       in the mailbox.      10       So, essentially, each time, you give      11       three notices.      12       Q. Three notices or three attempts to      13       notify, right, whatever you want to call it?      14       A. Yes.      15       Q. But there was three each time you went      16       out?      17       A. Yes.      18       Q. Now, let's go with PS-3.      19       Do you see the date that is in the      20       bottom corner there?      21       A. Yes.      22       Q. Does that sound accurate, that that was      23       the first time you went out?      24       A. That doesn't look like my handwriting.      25       Q. I didn't say it was your handwriting.</p>	<p>1       A. Yes.      2       Q. To get reimbursed for mileage, you      3       submit a log of times and dates when you traveled?      4       A. It's not a log, it's the date and then      5       the mileage.      6       Q. Uh-huh.      7       Is this in a document?      8       A. Yes.      9       Q. And you filled out a document of some      10       sort to get reimbursed?      11       A. Yes.      12       (REQUEST) MR. FILIPOVIC: Counsel, we're going to      13       be requesting that document because there is an issue      14       about, you know, she doesn't agree to that date and      15       we contend there is an issue.      16       MS. HARPER: I will ask a follow-up      17       question, but that's fine.      18      BY MR. FILIPOVIC:      19       Q. Do you call them expense reports or how      20       do you refer to them?      21       A. Mileage form.      22       MS. HARPER: You're going to ask for      23       that today, at this deposition?      24       MR. FILIPOVIC: Correct.      25       MS. HARPER: That's fine.</p>

Exhibit I Page 5 of 8  
Jetaria Taylor

<p style="text-align: right;">Page 17</p> <p>1 BY MR. FILIPOVIC:</p> <p>2 Q. So the mileage form would have notations 3 of the times and dates that you went out.</p> <p>4 Does it have the address?</p> <p>5 A. No.</p> <p>6 Q. What does it have?</p> <p>7 A. It has the date and how many miles I did 8 for the day.</p> <p>9 Q. Is there a sheriff's number or --</p> <p>10 A. No.</p> <p>11 Q. No?</p> <p>12 A. No.</p> <p>13 Q. How do you -- just a date and how many 14 miles you did for the day?</p> <p>15 A. Yes.</p> <p>16 MS. HARPER: Do you still need that 17 document?</p> <p>18 MR. FILIPOVIC: Yes.</p> <p>19 MS. HARPER: We'll see if it was 20 requested in discovery.</p> <p>21 MR. FILIPOVIC: We can argue about 22 that.</p> <p>23 When would you say was the first time 24 you went out?</p> <p>25 THE WITNESS: I'm not sure.</p>	<p style="text-align: right;">Page 19</p> <p>1 that particular posting such as the one that we see 2 in PS-11 that you just read from?</p> <p>3 A. No.</p> <p>4 Q. Are there any other times that you went 5 to the property that you did not enter into the 6 Jewell system?</p> <p>7 A. No.</p> <p>8 Q. Now, the notice to vacate that you 9 served or posted on the property on May 10th, can you 10 find it or do you see it in front of you in any of 11 these documents?</p> <p>12 A. It would be one of these (indicating).</p> <p>13 Q. Well, can you tell me which one 14 according to its number?</p> <p>15 The one you are holding up now, what is 16 the number?</p> <p>17 A. PS-4.</p> <p>18 Q. PS-4?</p> <p>19 A. Uh-huh.</p> <p>20 Q. Thank you.</p> <p>21 What about the eviction notice on the 22 property that you served in June, do you see it in 23 front of you there?</p> <p>24 A. Let me just clarify, because, going back 25 to the initial ones you asked me about, I can't tell</p>
<p style="text-align: right;">Page 18</p> <p>1 BY MR. FILIPOVIC:</p> <p>2 Q. Can we agree that you went out on 3 5-10-2018?</p> <p>4 A. If that is what is in the log, then yes.</p> <p>5 Q. Let's go to PS-11.</p> <p>6 The middle of the page, it has a date 7 of May 10th, 2018, correct?</p> <p>8 A. Yes.</p> <p>9 Q. There is a note there.</p> <p>10 Could you read it for the record?</p> <p>11 A. Deputy Jetaria Taylor, being duly sworn 12 according to law, posted one true and attested copy 13 of the within writ of possession upon real estate 14 located at 146 South 62nd Street, Philadelphia, PA 15 19139, and the next one says 21-day notice posted.</p> <p>16 Q. Did you enter this note?</p> <p>17 A. Yes.</p> <p>18 Q. It sounds like you went out earlier than 19 May 18th if this is dated May 10th.</p> <p>20 A. Yes.</p> <p>21 Q. What about, on June 1st, did you post an 22 eviction notice on the property at 146 South 62nd 23 Street?</p> <p>24 A. Yes.</p> <p>25 Q. Did you enter a note in the system about</p>	<p style="text-align: right;">Page 20</p> <p>1 you which one was posted, because these have two 2 different dates on it, but it would have been any one 3 of these that say notice to vacate (indicating).</p> <p>4 Q. Right, okay.</p> <p>5 A. And then, for the final posting, it 6 would have been any one of these -- well, not this 7 one, because that has an envelope, so that was mailed 8 out (indicating).</p> <p>9 Q. When you say this one --</p> <p>10 A. I'm sorry, PS-6 or PS-7.</p> <p>11 Q. It could be one of those?</p> <p>12 A. It's either one of these, yes (indicating).</p> <p>13 Q. It's either one of those that you 14 posted?</p> <p>15 A. Yes.</p> <p>16 Q. Which one is not the one that was 17 posted?</p> <p>18 A. PS-8 was mailed out.</p> <p>19 Q. Okay, thank you.</p> <p>20 What is the date on PS-8?</p> <p>21 A. Are you asking about the envelope?</p> <p>22 Q. Yes.</p> <p>23 A. June 7th.</p> <p>24 Q. Did you report to Inspector Guess at</p>

Exhibit I Page 6 of 8  
Jetaria Taylor

Page 29	Page 31
<p>1        A. Let me clarify.</p> <p>2              According to the document I put into</p> <p>3        the Jewell system, the one time I went out, it was</p> <p>4        9:45 a.m.</p> <p>5        Q. You are talking about --</p> <p>6        A. PS-11.</p> <p>7        Q. You gathered that from time out, 9:45?</p> <p>8        A. Yes.</p> <p>9        Q. It says here, mileage, zero?</p> <p>10       A. We don't insert our mileage into the</p> <p>11       computer.</p> <p>12       Q. I'm reading what it says here.</p> <p>13       A. Okay.</p> <p>14       (REQUEST) MR. FILIPOVIC: In addition to the</p> <p>15       mileage form, we would also like to request the</p> <p>16       employee sign-in sheet between May 8th and June 25th</p> <p>17       of 2018.</p> <p>18       MS. HARPER: Uh-huh.</p> <p>19       BY MR. FILIPOVIC:</p> <p>20       Q. Have you ever seen Mr. Toppin?</p> <p>21       A. No.</p> <p>22       Q. What about anybody else at that home?</p> <p>23       A. No.</p> <p>24       Q. In your conversations with your</p> <p>25       supervisors, did you ever discuss this case with your</p>	<p>1        information.</p> <p>2        Q. You don't have access?</p> <p>3        A. No.</p> <p>4        Q. Who is we?</p> <p>5        A. Civil Enforcement Unit.</p> <p>6              I'm not able to go into my system and</p> <p>7        pull this up.</p> <p>8              This isn't Civil Enforcement Unit</p> <p>9        stuff.</p> <p>10              This looks like real estate stuff.</p> <p>11       Q. But it's the Sheriff's Office of</p> <p>12       Philadelphia County?</p> <p>13       A. We still don't -- I can't see into</p> <p>14       somebody else's system.</p> <p>15       Q. Would it have been helpful for you to be</p> <p>16       able to see that there was a bankruptcy filed?</p> <p>17       A. Typically, if it's a bankruptcy, we</p> <p>18       receive the information.</p> <p>19       Q. But you didn't in this case?</p> <p>20       A. No.</p> <p>21       Q. Who do you receive it from?</p> <p>22       A. It depends.</p> <p>23              Sometimes the defendant will fax over</p> <p>24       something or they will bring us something. If they</p> <p>25       get something in another division, they'll give it to</p>
<p>1        supervisors?</p> <p>2              To be clear, I'm not talking about this</p> <p>3        litigation now, I'm talking about the case of service</p> <p>4        of this paperwork with your supervisors.</p> <p>5        A. No.</p> <p>6        Q. Did any one of them ever tell you that</p> <p>7        the bankruptcy was filed?</p> <p>8        A. No.</p> <p>9              Let me clarify.</p> <p>10          I only got that information after we</p> <p>11        were informed about the litigation, but, prior to</p> <p>12        that, I didn't know about the bankruptcy.</p> <p>13          Q. When you say you only got the</p> <p>14        information, what information did you get?</p> <p>15          A. In terms of a bankruptcy was filed.</p> <p>16          Q. If you refer to PS-10, this document, it</p> <p>17        says Sheriff's Return of Service on it?</p> <p>18          A. Yes.</p> <p>19          Q. And, the gentleman here, Lieutenant</p> <p>20        Thornton, I believe, testified that this is in the</p> <p>21        Jewell system, and I will direct you to this entry of</p> <p>22        May 9th, 2018.</p> <p>23          Would this have been available to your</p> <p>24        supervisor, the information that is on this document?</p> <p>25          A. We don't have access to this</p>	<p>1        us.</p> <p>2        Q. Another division will give it to you?</p> <p>3        A. Yes.</p> <p>4        Q. And you didn't get anything from anybody</p> <p>5        in this case?</p> <p>6        A. No.</p> <p>7        Q. At the time?</p> <p>8        A. No, and we would only get something from</p> <p>9        another division if they knew it was an eviction.</p> <p>10              This here looks like all sheriff's sale</p> <p>11        stuff, which are two different things (indicating).</p> <p>12          Q. Do you know the bankruptcy law within</p> <p>13        your own right?</p> <p>14              Do you know what happens to the</p> <p>15        effective bankruptcy?</p> <p>16              It's the same question I asked</p> <p>17        Lieutenant Thornton.</p> <p>18          A. If they file?</p> <p>19          Q. Yes.</p> <p>20          A. Yes.</p> <p>21          Q. What is it?</p> <p>22          A. We are to stop all action unless there</p> <p>23        is a bar order.</p> <p>24          Q. All action?</p> <p>25          A. Yes.</p>

Exhibit I Page 7 of 8  
Jetaria Taylor

Page 33	Page 35
<p>1 Q. All action, to you, does that mean 2 eviction?</p> <p>3 A. Yes.</p> <p>4 Q. Posting notices of vacate, does that 5 fall within all action?</p> <p>6 A. Yes.</p> <p>7 Q. Executing, garnishing writs, is that all 8 action?</p> <p>9 A. Yes.</p> <p>10 MR. FILIPOVIC: Ma'am, I don't think I 11 have any other questions for you.</p> <p>12 Thank you, Deputy Taylor.</p> <p>13 (EXAMINATION OF DEPUTY TAYLOR BY MS. HARPER:)</p> <p>14 Q. Deputy Taylor, if you could, just look 15 at what is marked PS-8.</p> <p>16 Do you have that in front of you?</p> <p>17 A. Yes.</p> <p>18 Q. You were asked a question about the date 19 that appears on the envelope.</p> <p>20 Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. Is that your handwriting, the date that 23 says 6-7-18?</p> <p>24 A. No.</p> <p>25 Q. Do you know who wrote that?</p>	<p>1 blank, and then this information about cancelled per 2 defendant filed bankruptcy, that information wasn't 3 in the system, either.</p> <p>4 Q. When you put this note?</p> <p>5 A. On May 10th, yes, neither one of those 6 were in there.</p> <p>7 Q. Is it your statement that you didn't put 8 that in there?</p> <p>9 A. Yes.</p> <p>10 Q. Do you know who did?</p> <p>11 A. I'm not sure.</p> <p>12 As far as the possession dates, 13 typically a supervisor would do that, and, if 14 somebody received a bankruptcy, they would put the 15 information in, but this was after the May 10th date 16 and I don't know what date that is.</p> <p>17 MR. DOMER: I don't have anything else.</p> <p>18 (EXAMINATION OF DEPUTY TAYLOR BY MS. HARPER:)</p> <p>19 Q. We talked about two instances where you 20 went to the property at 146 South 62nd Street.</p> <p>21 One of them was June 1st to post the 22 eviction notice, correct?</p> <p>23 A. Yes.</p> <p>24 Q. That date is not reflected on this 25 record that is marked PS-11, is that correct?</p>
<p>1 A. No.</p> <p>2 MS. HARPER: I don't think I have 3 anything else.</p> <p>4 (EXAMINATION OF DEPUTY TAYLOR BY MR. DOMER:)</p> <p>5 Q. You were asked about this.</p> <p>6 Correct me if I'm wrong, PS-11, you 7 said that you wrote in the notes?</p> <p>8 A. Yes.</p> <p>9 Q. Did you write in all the notes on there?</p> <p>10 A. No.</p> <p>11 Q. What notes did you write?</p> <p>12 A. Well, technically, I only wrote -- I 13 didn't really have to write anything.</p> <p>14 So, this is already pre-done, so this 15 is --</p> <p>16 Q. Can you talk in words, so the court 17 reporter can take it down?</p> <p>18 A. Deputy Jetaria Taylor, being duly sworn 19 according to law, that whole sentence is already 20 pre-recorded in the system, I guess, so the only 21 thing I have to do is put my name into the drop-down 22 box, and, once I put in my name, it goes to the sign 23 field, and then, as far as the possession date, when 24 I entered the 21-day notice on May 10th, we didn't 25 have a possession date at that time, so that spot was</p>	<p>1 A. Yes.</p> <p>2 Q. Did you have any other records that you 3 kept with respect to that activity?</p> <p>4 A. Yes.</p> <p>5 Q. What other records did you keep?</p> <p>6 A. I would use a form that we have to fill 7 out and you have to put down the first time you go 8 out and the second time you go out. 9 You list the dates and the times.</p> <p>10 Q. I know you haven't seen it in front of 11 you here today, but do you believe you did fill out 12 that form?</p> <p>13 A. Yes.</p> <p>14 Q. Any other means by which you personally 15 keep a record of times you go to a property?</p> <p>16 A. Yes.</p> <p>17 I keep a record in my phone.</p> <p>18 MS. HARPER: I have nothing further.</p> <p>19 (EXAMINATION OF DEPUTY TAYLOR BY MR. FILIPOVIC:)</p> <p>20 Q. Just limited questions based only on 21 what was now discussed.</p> <p>22 You keep it in your personal phone 23 or --</p> <p>24 A. My personal phone.</p> <p>25 Q. As far as PS-11, did you review both --</p>

Exhibit I Page 8 of 8  
Jetaria Taylor

<p style="text-align: center;">Page 37</p> <p>1 you testified that there was some information here      2 such as your name and being duly sworn according to      3 law.      4 That was pre-typed when you went      5 inside?      6 A. Uh-huh.      7 Q. And you only entered the remainder, up      8 to 21, where it is posted?      9 A. Yes.      10 I noted 21, they noted posted.      11 Q. Thanks.      12 Do you review the entire entry, both      13 the one that you printed and what was preprinted      14 before you entered it?      15 Do you read it?      16 A. Maybe I explained it wrong.      17 If you look, it says category, and it      18 says posted --      19 Q. Ma'am, if you could just answer the      20 question.      21 I understand what you are trying to      22 say.      23 We'll get through this quicker if you      24 answer my questions.      25 Did you read the entire entry, the</p>	<p style="text-align: center;">Page 39</p> <p>1 C E R T I F I C A T E      2      3      4 I, Lori A. Porto, a Notary Public and Certified      5 Court Reporter do hereby certify that the foregoing      6 is a true and accurate transcript of the testimony as      7 taken stenographically by and before me at the time,      8 place, and on the date hereinbefore set forth, to the      9 best of my ability.      10 I do further certify that I am neither a      11 relative nor employee nor attorney nor counsel of any      12 of the parties to this action, and that I am neither      13 a relative nor employee of such attorney or counsel,      14 and that I am not financially interested in the      15 action.      16      17      18      19      20      21      22      23      24 Lori A. Porto, CCR      Notary Public, State of New Jersey      Certificate No. XI01577      25</p>
<p style="text-align: center;">Page 38</p> <p>1 portion that was preprinted and the portion you put      2 in, prior to clicking approve or enter?      3 A. Yes.      4 Q. That's all.      5 Your testimony is that somebody else      6 wrote in the possession date, 6-25-18?      7 A. Yes.      8 Q. And your testimony is that somebody else      9 wrote in cancelled per defendant filed bankruptcy?      10 A. Yes.      11 Q. Would the Jewell system be able to      12 identify who that person is by sign-in credentials,      13 let's say?      14 A. No.      15 Q. Does anybody outside of the Philadelphia      16 Sheriff's Office have access to this system?      17 A. Outside the sheriff's office?      18 Q. Yes.      19 A. Not to my knowledge.      20 MR. FILIPOVIC: Thanks.      21 No further questions.      22 (WITNESS EXCUSED)      23 (DEPOSITION CONCLUDED AT 2:21 P.M.)      24      25</p>	

HASSAN

Exhibit J Page 1 of 1

vs.  
UNKOWN OCCUPANTSCase Number  
180103400  
(231566)**SERVICE EVENT REPORT**

( Posted )

**Service Details:****Category:** Writ of Possession - Common Pleas - Possession**Expires:** 08/07/2018**Manner:** < Not Specified >**Warrant:****Notes:** MAIN DESK CLERK: LIONEL COOK**Serve To:****Name:** UNKOWN OCCUPANTS**Mobile:****Primary Address:** 146 S. 62ND ST  
PHILADELPHIA, PA 19139**Notes:****Phone:****Service Event Details:****Date:** 05/10/2018**Category:** Posted**Notes:** DEPUTY JETARIA TAYLOR, BEING DULY SWORN ACCORDING TO LAW, POSTED ONE TRUE AND ATTESTED COPY OF THE WITHIN WRIT OF POSSESSION UPON REAL ESTATE LOCATED AT 146 S. 62ND ST, PHILADELPHIA, PA 19139. 21 DAY NOTICE POSTED

POSSESSION DATE 6/25/18 @9AM

CANCELED PER DEFT FILED BANKRUPTCY

**Delivery Details:****Time In:****Time Out:**

9:45 AM

**Deputy 1:**

Jetaria Taylor

**Mileage:**

0

**Deputy 2:****Accepted:****Notes:****Entered By:** Joshua Wigfall**Print Date:** 02/21/2019**Print Time:** 10:16 AM

In re:  
Lyndel Toppin  
Debtor

Case No. 18-13098-mdc  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0313-2

User: dlv  
Form ID: 309I

Page 1 of 1  
Total Noticed: 19

Date Rcvd: May 29, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 31, 2018.

db +Lyndel Toppin, 146 S. 62nd Street, Philadelphia, PA 19139-2928  
14104029 +Abdeldayem Hassan, 309 Barker Avenue, Lansdowne, PA 19050-1215  
14104033 +City of Philadelphia, Lockbox # 1087, PO BOX 8500, Philadelphia, PA 19178-8500  
14104035 +FIRST FEDERAL CREDIT & COLLECTIONS, 24700 CHAGRIN BLVD, SUITE 205,  
CLEVELAND, OH 44122-5662  
14104036 +FIRST FEDERAL CREDIT & COLLECTIONS, 24700 CHAGRIN BLVD STE 2, CLEVELAND, OH 44122-5662  
14104037 +GRB Law, 1425 Spruce Street, Suite 100, Philadelphia, PA 19102-4578  
14104038 Philadelphia Court of Common Pleas, Philadelphia City Hall, Philadelphia, PA 19107  
14104039 +Philadelphia Department of Revenue, 1401 John K. Kennedy Blvd., Concourse Level,  
Philadelphia, PA 19102-1613  
14104041 +Philadelphia Sheriff's Office, 100 S. Broad Street, 5th Floor,  
Philadelphia, PA 19110-1023

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
aty E-mail/Text: bestcasestephen@gmail.com May 30 2018 02:05:47 STEPHEN MATTHEW DUNNE,  
Dunne Law Offices, P.C., 1515 Market Street, Suite 1200, Philadelphia, PA 19102,  
U.S.A.

tr +E-mail/Text: bncnotice@phl13trustee.com May 30 2018 02:06:51 WILLIAM C. MILLER, Esq.,  
Chapter 13 Trustee, P.O. Box 1229, Philadelphia, PA 19105-1229

smg E-mail/Text: bankruptcy@phila.gov May 30 2018 02:06:35 City of Philadelphia,  
City of Philadelphia Law Dept., Tax Unit/Bankruptcy Dept, 1515 Arch Street 15th Floor,  
Philadelphia, PA 19102-1595

smg E-mail/Text: RVSVCBICNOTICE1@state.pa.us May 30 2018 02:06:09  
Pennsylvania Department of Revenue, Bankruptcy Division, P.O. Box 280946,  
Harrisburg, PA 17128-0946

smg +E-mail/Text: usapae.bankruptcynotices@usdoj.gov May 30 2018 02:06:23 U.S. Attorney Office,  
c/o Virginia Powel, Esq., Room 1250, 615 Chestnut Street, Philadelphia, PA 19106-4404

ust +E-mail/Text: ustpregion03.ph.ecf@usdoj.gov May 30 2018 02:06:15 United States Trustee,  
Office of the U.S. Trustee, 833 Chestnut Street, Suite 500, Philadelphia, PA 19107-4405  
14104031 EDI: CAPITALONE.COM May 30 2018 06:03:00 CAPITAL ONE, 15000 CAPITAL ONE DR,  
RICHMOND, VA 23238

14104030 +EDI: CAPITALONE.COM May 30 2018 06:03:00 CAPITAL ONE, ATTN: BANKRUPTCY, PO BOX 30285,  
SALT LAKE CITY, UT 84130-0285

14104032 E-mail/Text: bankruptcy@phila.gov May 30 2018 02:06:35 City of Philadelphia,  
1515 Arch Street, Law Department, 15th Floor, Philadelphia, PA 19102

14104034 E-mail/Text: bankruptcy@phila.gov May 30 2018 02:06:35 City of Philadelphia,  
Attn: James Zwolak, 1401 JFK Blvd., 5th Floor, Philadelphia, PA 19102

TOTAL: 10

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*  
14104040\* +Philadelphia Department of Revenue, 1401 John K. Kennedy Blvd., Concourse Level,  
Philadelphia, PA 19102-1613

TOTALS: 0, \* 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 31, 2018

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 21, 2018 at the address(es) listed below:

STEPHEN MATTHEW DUNNE on behalf of Debtor Lyndel Toppin bestcasestephen@gmail.com,  
dunnesr74587@notify.bestcase.com

United States Trustee USTPRRegion03.PH.ECF@usdoj.gov  
WILLIAM C. MILLER, Esq. ecfemails@phl13trustee.com, philaecf@gmail.com

TOTAL: 3

**Information to identify the case:**

Debtor 1	Lyndel Toppin	Social Security number or ITIN xxx-xx-2550
	First Name    Middle Name    Last Name	EIN _____
Debtor 2 (Spouse, if filing)	First Name    Middle Name    Last Name	Social Security number or ITIN _____ EIN _____
United States Bankruptcy Court	Eastern District of Pennsylvania	Date case filed for chapter 13 5/8/18
Case number: 18-13098-mdc		

Official Form 309I

**Notice of Chapter 13 Bankruptcy Case**

**\*\*Debtor's Photo ID & Social Security Card Must Be Presented at 341 Hearing\*\***

12/15

**For the debtors listed above, a case has been filed under chapter 13 of the Bankruptcy Code. An order for relief has been entered.**

**This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.**

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors, the debtors' property, and certain codebtors. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

Confirmation of a chapter 13 plan may result in a discharge. Creditors who assert that the debtors are not entitled to a discharge under 11 U.S.C. § 1328(f) must file a motion objecting to discharge in the bankruptcy clerk's office within the deadline specified in this notice. Creditors who want to have their debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office by the same deadline. (See line 13 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at [www.pacer.gov](http://www.pacer.gov)).

**The staff of the bankruptcy clerk's office cannot give legal advice.**

**To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.**

**Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.**

<b>About Debtor 1:</b>		<b>About Debtor 2:</b>
<b>1. Debtor's full name</b>	Lyndel Toppin	
<b>2. All other names used in the last 8 years</b>		
<b>3. Address</b>	146 S. 62nd Street Philadelphia, PA 19145	
<b>4. Debtor's attorney</b> Name and address	STEPHEN MATTHEW DUNNE Dunne Law Offices, P.C. 1515 Market Street Suite 1200 Philadelphia, PA 19102 U.S.A.	Contact phone 215-551-7109  Email: bestcasestephen@gmail.com
<b>5. Bankruptcy trustee</b> Name and address	WILLIAM C. MILLER, Esq. Chapter 13 Trustee P.O. Box 1229 Philadelphia, PA 19105	Contact phone 215-627-1377  Email: ecfemails@ph13trustee.com
<b>6. Bankruptcy clerk's office</b> Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at <a href="http://www.pacer.gov">www.pacer.gov</a> .	900 Market Street Suite 400 Philadelphia, PA 19107	Hours open: Philadelphia Office -- 8:30 A.M. to 5:00 P.M. Reading Office -- 8:00 A.M. to 4:30 P.M.  Contact phone (215)408-2800  Date: 5/29/18

**For more information, see page 2**

Debtor Lyndel Toppin

Case number 18-13098-mdc

**7. Meeting of creditors**

Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend. Creditors may attend, but are not required to do so.

**July 11, 2018 at 1:30 PM**

**Location:**  
Suite 18-341, 1234 Market Street,  
Philadelphia, PA 19107

The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

**8. Deadlines**

The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.

**Deadline to file a complaint to challenge dischargeability of certain debts:****Filing deadline: 9/9/18****You must file:**

- a motion if you assert that the debtors are not entitled to receive a discharge under U.S.C. § 1328(f), or
- a complaint if you want to have a particular debt excepted from discharge under 11 U.S.C. § 523(a)(2) or (4).

**Deadline for all creditors to file a proof of claim (except governmental units):****Filing deadline: 7/17/18****Deadline for governmental units to file a proof of claim:****Filing deadline: 11/4/18****Deadlines for filing proof of claim:**

A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at [www.uscourts.gov](http://www.uscourts.gov) or any bankruptcy clerk's office.

If you do not file a proof of claim by the deadline, you might not be paid on your claim. To be paid, you must file a proof of claim even if your claim is listed in the schedules that the debtor filed.

Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.

**Deadline to object to exemptions:**

**Filing deadline:** 30 days after the conclusion of the meeting of creditors

The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.

**9. Filing of plan**

The debtor has filed a plan. This plan proposes payment to the trustee of 200.00 per month for 60 months. The plan or a summary of the plan is enclosed. The hearing on confirmation will be held on: **8/2/18 at 9:30 AM**, Location: **Courtroom #2, 900 Market Street, Philadelphia, PA 19107**

**10. Creditors with a foreign address**

If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadline in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

**11. Filing a chapter 13 bankruptcy case**

Chapter 13 allows an individual with regular income and debts below a specified amount to adjust debts according to a plan. A plan is not effective unless the court confirms it. You may object to confirmation of the plan and appear at the confirmation hearing. A copy or summary of the plan, if not enclosed, will be sent to you later, and if the confirmation hearing is not indicated on this notice, you will be sent notice of the confirmation hearing. The debtor will remain in possession of the property and may continue to operate the business, if any, unless the court orders otherwise.

**12. Exempt property**

The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors, even if the case is converted to chapter 7. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at [www.pacer.gov](http://www.pacer.gov). If you believe that the law does not authorize an exemption that debtors claimed, you may file an objection by the deadline.

**13. Discharge of debts**

Confirmation of a chapter 13 plan may result in a discharge of debts, which may include all or part of a debt. However, unless the court orders otherwise, the debts will not be discharged until all payments under the plan are made. A discharge means that creditors may never try to collect the debt from the debtors personally except as provided in the plan. If you want to have a particular debt excepted from discharge under 11 U.S.C. § 523(a)(2) or (4), you must file a complaint and pay the filing fee in the bankruptcy clerk's office by the deadline. If you believe that the debtors are not entitled to a discharge of any of their debts under 11 U.S.C. § 1328(f), you must file a motion. The bankruptcy clerk's office must receive the objection by the deadline to object to exemptions in line 8.

## FAX COVER SHEET

TO Sheriff'sOffice  
COMPANY Sheriff'sOffice  
FAX NUMBER 12156863555  
FROM Stephen Dunne  
DATE 2018-06-07 20:01:07 GMT  
RE Notice of Bankruptcy Case Filing - 146 S. 62nd Street, Phila,  
PA 19145

## COVER MESSAGE

Please be advised that Lyndel Toppin filed a Chapter 13 bankruptcy case on 05/08/2018.

Name: Lyndel Toppin

Address: 146 S. 62nd Street, Philadelphia, PA 19145

⑧ 231566

United States Bankruptcy Court  
Eastern District of Pennsylvania

**Notice of Bankruptcy Case Filing**

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 13 of the United States Bankruptcy Code, entered on 05/08/2018 at 6:04 PM and filed on 05/08/2018.

**Lyndel Toppin**  
146 S. 62nd Street  
Philadelphia, PA 19145  
SSN / ITIN: xxx-xx-2550



The case was filed by the debtor's attorney:

**STEPHEN MATTHEW DUNNE**  
Dunne Law Offices, P.C.  
1515 Market Street  
Suite 1200  
Philadelphia, PA 19102  
U.S.A.  
215-551-7109

The case was assigned case number 18-13098-mdc to Judge Magdeline D. Coleman.

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available at our *Internet* home page <http://ecf.paeb.uscourts.gov> or at the Clerk's Office, 900 Market Street, Suite 400, Philadelphia, PA 19107.

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

**Timothy B McGrath**

JUNE 25

230615 12:00pm Metropolitan Contracting LLC  
223-225 Market St. France Bowens 228267 7  
215-237-2633 12:00pm 5

231936 9AM AnnyAH Moore (C) KNL 231609  
5367 Morris St 9:00 215825 6454 9:00

231900 9:00 FATIMA BANGURAH (Cancelled) KRISTEN LITTLE 231593  
6709 WOOLSTONGATE 610 2786800 9:00

231566 9AM UNKNOWN OCCUPANT (Bankrupt) (P) TANIA 231777  
146 S 62nd 484 5571737 9:00

231718 9AM Dawn Cyrus (PD) (JM) TYSHEEN HARGRAVE 232064  
2443 So. Dogwood 215 7915751 10:00-11:00

231897 10AM Tren Kennedy (Giver) (N) SUNIEL NUNBY 231904  
3645 N 19<sup>th</sup> 973 953 7345 10:00-11:00  
\*973 986 9282 10:00-11:00

228587 11  
10:00-11:00 5

## SERVICE EVENT REPORT ( Other )

### Service Details:

<b>Category:</b>	Writ of Possession - Common Pleas - Possession	<b>Expires:</b>	08/07/2018
<b>Manner:</b>	< Not Specified >	<b>Warrant:</b>	
<b>Notes:</b>	MAIN DESK CLERK: LIONEL COOK		

### Serve To:

<b>Name:</b>	UNKNOWN OCCUPANTS	<b>Mobile:</b>	
<b>Primary Address:</b>	146 S. 62ND ST PHILADELPHIA, PA 19139	<b>Notes:</b>	
<b>Phone:</b>			

### Service Event Details:

<b>Date:</b>	06/25/2018	<b>Category:</b>	Other
<b>Notes:</b>	letter from bankruptcy court sent to the office. Defendant claims eviction proceedings continued after notifying the sheriff's office that bankruptcy was filed. Inspector Guess received bankruptcy fax on June 6th 2018. Bankruptcy notice was logged in possession book and on Jewell system. No other eviction actions were taken by the civil enforcement unit as of that date. Letter and supporting documents are being forwarded to undersheriff vignola.		
Inspector Guess			

### Delivery Details:

<b>Time In:</b>		<b>Time Out:</b>		<b>Deputy 1:</b>	Monte Guess
<b>Mileage:</b>	0			<b>Deputy 2:</b>	
<b>Accepted:</b>					
<b>Notes:</b>					